

KATHARINE K. BAKER
University Distinguished Professor of Law

Chicago-Kent College of Law
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Chicago, IL 60661
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Academic Experience

1993 - 2021 Chicago-Kent College of Law

2016 – Present: University Distinguished Professor of Law
2016–2020: 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:*Consent, Rape and the Criminal Law*

In THE OXFORD HANDBOOK OF FEMINISM AND LAW IN THE UNITED STATES (D. Brake, M. Chamallas & V Williams, eds., forthcoming 2021) (with Michelle Oberman)

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 21st 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*Equality and Family Autonomy*

Forthcoming UNIV. OF PENN. J OF CONST. LAW (2021)

What is Nonmarriage?

73 SMU L. REV. 201 (2020)

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

“What is Nonmarriage?”
Univ. of Minnesota Law School, December 2019

“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

"Assymmetric 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

"Children's Rights and Fathers' Rights"

Feminist Uncomfortable Conversations Series: Children's Rights and Parents' Rights
Cornell Law School
April, 1999

"The Wrong of Rape"

Colloquium on Biology and Sexual Aggression
Arizona State University College of Law
May, 1998

"Rape 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.