

SARAH L. SWAN

Rutgers Law School (Newark) ♦ 123 Washington St. ♦ Newark NJ 07102
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ACADEMIC APPOINTMENTS

- Rutgers Law School (Newark)** 2022-Present
Professor of Law and Dean's Civil Governance Scholar (2023-present)
Associate Professor (2022-2023)
Teaching: Torts, Advanced Torts, State and Local Government Law
- Florida State University School of Law** 2018-2022
Assistant Professor of Law (with Tallahassee Alumni Chair 2021-2022)
Teaching: State and Local Government Law, Advanced Torts, Family Law, Criminal Law
- Columbia Law School** 2015 – 2018
Associate-in-Law and Teaching Fellow

ARTICLES

- Corruption of Blood (work-in-progress)*
- The Criminal City (work-in-progress)*
- The Plaintiff Police*, 134 YALE L. J. 1182 (2025)
 - Response: Ellen M. Bublick & Jane R. Bambauer, *Should Tort Law Care About Police Officers?* YALE L. J. F. (Feb. 28. 2025)
- Public Duties for the New City*, 122 MICH. L. REV. 309 (2023)
- Constitutional Backfires Everywhere*, 25 U. PA. J. CONST. L. 311 (2023)
 - Awarded a \$20,000 grant in a university-wide competitive process
- Constitutional Off-Loading at the City Limits*, 135 HARV. L. REV. 831 (2022)
 - Peer-review selected as one of the four best land use articles of the year and reprinted in the LAND USE & ENVIRONMENT LAW REVIEW (2022-2023)
 - Response: Anne Eisenberg, *Power and Powerlessness in Local Government: A Response to Professor Swan*, 135 HARV. L. REV. F. 173 (2022)
- Exclusion Diffusion*, 70 EMORY. L. J. 847 (2021)
- Discriminatory Dualism*, 54 GA. L. REV. 869 (2020)
 - Selected for presentation at the 2019 Michigan Law Junior Scholars Conference

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Plaintiff Cities, 71 VAND. L. REV. 1227 (2018)

- Cited by the New York Court of Appeals in *In re Part 60 Put-Back Litig.*, 165 N.E.3d 180 (NY 2020)
- Cited by the dissent in the Sixth Circuit decision *In re National Prescription Opiate Litig.*, 976 F.3d 644 (6th Cir. 2020)
- “Download of the Week,” *Legal Theory Blog* (Nov. 11, 2017)

Conjugal Liability, 64 UCLA L. REV. 968 (2017)

- Sole article selected by the Review for presentation at the 2017 UCLA Law Review Spring Scholar’s Forum
- Featured in the American Journal of Family Law, Family Law Review Articles (2018)

Home Rules, 64 DUKE L. J. 823 (2015)

- Cited in *City of East St. Louis v. Netflix et al.*, No. 3:21-CV-561-MAB (US Dist. Ct. S.D. Illinois Sept. 23, 2022)
- “Download of the Week,” *Legal Theory Blog* (Aug. 23, 2014)

Bystander Interventions, 2015 WISC. L. REV. 975 (2015).

- Reviewed in Martha Chamallas, *Bystanders v. Bullies*, JOTWELL: THE JOURNAL OF THINGS WE LIKE (LOTS) (2016)

Triangulating Rape, 37 N.Y.U. REV. OF L. & SOC. CHANGE 403 (2013)

- Reprinted in WOMEN AND THE LAW 2014 (collecting “the leading legal scholarship on women’s rights” each year)

A New Tortious Interference with Contractual Relations: Gender and Erotic Triangles in Lumley v. Gye, 35 HARV. J. OF L. & GENDER 167 (2012)

BOOKS

NEW JERSEY MUNICIPAL LAW (work-in-progress, forthcoming 2026)

STATE AND LOCAL GOVERNMENT IN A FEDERAL SYSTEM, 10TH ED. (10th ed., work-in-progress, forthcoming 2026) (with Paul Diller, Janice C. Griffith, Quinn Yeargain, and Even Zoldan)

SINS OF THE SPOUSE: INTIMACY AND COMPLICITY IN LAW AND CULTURAL POLITICS (work-in-progress, NYU Press)

SYMPOSIA, CHAPTERS, AND SHORTER WORKS

Microlocal Litigation for a Mass Tort World, __ DEPAUL L. REV. __ (forthcoming) (invited)

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Courting Jural Rights: The Kentucky Constitution and the Super Common Law of Torts, 112 KY. L. J. 639 (2024) (invited)

Commentary on Beltran-Serrano v. City of Tacoma, 16 J. OF TORT L. 323 (2023) (invited)

The Promise and Peril of Place Governance, ABA J. AFFORDABLE HOUSING & COMMUN. DEV. L., book review on HYPERLOCAL: PLACE GOVERNANCE IN A FRAGMENTED WORLD (Jennifer S. Vey & Nate Storrington, eds., 2022) (invited)

State v. Walden, A Rewritten Feminist Judgment, in FEMINIST JUDGMENTS: CRIMINAL OPINIONS REWRITTEN (Bennett Capers et al. eds., 2022)

Tort Law and Feminism, in THE OXFORD HANDBOOK ON FEMINISM AND LAW IN THE UNITED STATES (Deborah L. Brake et al. eds., 2022)

Running Interference: Local Government, Tortious Interference with Contractual Relations, and the Constitutional Right to Petition, 36 J. OF LAND USE & ENVTL L. 57 (2020) (invited)

Discriminatory Dualism in Process: Title IX, Reverse Title IX, and Campus Sexual Assault, 73 OKLA. L. REV. 69 (2020) (invited)

Farwell v. Keaton, A Rewritten Feminist Judgment, in FEMINIST JUDGMENTS: TORTS OPINIONS REWRITTEN 81-92 (Lucinda Finley and Martha Chamallas, eds. 2020)

Aiding and Abetting Matters, 12 J. OF TORT L. 255 (2019) (invited contribution to “New Voices in Tort Law” issue)

- Cited by the Delaware Supreme Court in *In re Mindbody, Inc. Stockholder Litig.*, 2024 WL 4926910 (Dec. 2, 2024)

Preempting Plaintiff Cities, 45 FORDHAM URB. L. J. 1241 (2019) (invited)

Between Title IX and the Criminal Law: Bringing Tort Law to the Campus Sexual Assault Debate, 64 KAN. L. REV. 961 (2016) (invited)

- Reprinted in WOMEN AND THE LAW 2017 (collecting “the leading legal scholarship on women’s rights” each year)

AMICUS BRIEFS

Brief of Amicus Curiae Law Professors in Support of Petitioners, *Planned Parenthood Southwest and Central Florida et al. v. State of Florida* No. SC2022-1050 (filed on March 8, 2023).

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EDUCATION

- J.S.D. Columbia Law School** 2016
Doctoral Fellow, Social Sciences and Humanities Research Council of Canada
- LL.M Columbia Law School** 2010
Harlan Fiske Stone Scholar
- J.D. University of British Columbia Faculty of Law** 2004
Entrance Scholarship (full tuition)
Patrick Clery Scholarship
Superior Court Judges Scholarship
David Roberts Prize in Legal Writing
- B.A. University of British Columbia** 2001
Undergraduate Program Scholarship (full tuition)
John Alexander Scholarship in the Humanities
Gilean Douglas Scholarship in English
Philip Akrigg Scholarship in Shakespeare

SELECTED PRESENTATIONS

- The Criminal City*
Arizona State University College of Law, State and Local Government Workshop (Nov. 15, 2024)
Cardozo Law School, Crimfest! (July 15, 2024)
- Microlocal Litigation for a Mass Tort World*
DePaul University College of Law, Clifford Symposium (June 7, 2024)
- Recent Developments in Plaintiff City Litigation*
University of Stellenbosch (South Africa) Urban Law Day (Jan. 26, 2024)
- A Feminist Theory of the City*
Emory Law School, Feminist Approaches to State and Governance (Dec. 15, 2023)
- The Plaintiff Police*
University of Toronto Law School, Tort Law and Social Equality Speaker Series (March 22, 2024)
Northwestern Pritzker School of Law, State and Local Government Law Workshop (Oct. 14, 2023)
- Courting Jural Rights: The Kentucky Constitution and the Super Common Law of Torts*
University of Kentucky, Symposium on State Courts (Oct. 13, 2023)
- Aiding and Abetting Terrors Both Global and Domestic*
Brooklyn Law School, Crimfest (July 19, 2023)

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Boston College, Family Law Scholars and Teachers Conference (June 14, 2023)
Law & Society Association Annual Meeting (June 1, 2023)

The Premises of Family Liability

University of Southampton (UK) Ass'n of Law, Property, and Society (May 12, 2023)

Commentary on Beltran-Serrano v. City of Tacoma

Arizona State, Great Tort Cases of the 21st Century Symposium (April 14, 2023)

Public Duties for the New City

University of Pennsylvania Law School, Markelloquium Workshop (Jan. 13, 2023)
Northeastern University School of Law, Faculty Workshop (Oct. 13, 2022)
Duke Law School, Colloquium on Civil Rights History, Enforcement, and Policy
(March 31, 2022)

Constitutional Off-loading at the City Limits

University of Richmond School of Law, Junior Faculty Forum (Sept. 24, 2021)
University of Texas at Austin School of Law, Faculty Workshop (Sept. 9, 2021)
Florida State University College of Law, Faculty Workshop (June 3, 2021)
Marquette Law School, Faculty Workshop (March 2, 2021)
Cardozo Law School, Local Government Law Workshop (Nov. 16, 2020)

Constitutional Backfires Everywhere

SMU Dedman School of Law, Faculty Workshop (Sept. 14, 2022)
Temple Law School, Family Law Scholars and Teachers Conference (June 24, 2022)
Law & Society Association Annual Meeting (May 30, 2021)
Brooklyn Law School, Family Law Scholars and Teachers Conference (June 21, 2021)

Rescuing Law: On Fetal Harms, Moms, Migrants, and #MeToo

Panelist, AALS Criminal Law Section (competitively selected panel) (Jan. 5, 2021)

Exclusion Diffusion

Brooklyn Law School, Family Law Scholars and Teachers Conference (June 15, 2020)
Cardozo Law School, NYC Family Law Scholars Workshop (June 5, 2020)
University of Virginia, State and Local Gov't Law Workshop (Sept. 21, 2019)
Brooklyn Law School, Crimfest! (July 15, 2019)
Law & Society Association Annual Meeting (June 9, 2018)
Fordham Law School, Family Law Scholars and Teachers Conference (June 6, 2017)
University of Michigan, Ass'n for Law, Property & Society (May 18, 2017)

Targeting Community Character

Duke Law School, Center for Firearms Law Colloquium on Localism, Popular Constitutionalism,
Preemption and Firearms (April 24, 2020)

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Running Interference: Local Governments, Tortious Interference with Contractual Relations, and the Constitutional Right to Petition

FSU College of Law, Local Autonomy & Energy Law Symposium (Feb. 21, 2020)

Discriminatory Dualism in Process: Title IX, Reverse Title IX, and Campus Sexual Assault

Oklahoma Law School, Modern Sexual Conflicts and the Law Symposium (Oct. 18, 2019)

Sins of the Spouse: Intimacy as Complicity in Law and Cultural Politics

University of Baltimore, Family Law Scholars and Teachers Conference

(June 17, 2024)

Law & Society Association Annual Meeting (May 30, 2019)

University of Ottawa, Law, Culture, and the Humanities Conference (March 22, 2019)

Discriminatory Dualism

AALS Family Law Section Panel (competitively selected panel) (Jan. 4, 2020)

Tulane Law School, Senior-Junior Southeastern Law Conference (Nov. 1, 2019)

Howard Law School, Family Law Scholars and Teachers Workshop (May 29, 2019)

Syracuse Law School, Association of Law, Property and Society (May 18, 2019)

University of Michigan Law School, Junior Scholars Workshop (April 27, 2019)

Cardozo Law School, NYC Area Family Law Scholar's Workshop (Jan. 18, 2019)

Cardozo Law School, Family Law Scholars and Teachers Workshop (June 19, 2018)

Preempting Plaintiff Cities

Fordham Law School, State & Local Gov't Law Workshop (Sept. 25, 2018)

Rewriting Farwell v. Keaton

Georgetown Law School, Law, Culture and the Humanities (March 17, 2018)

Plaintiff Cities

Law & Society Association Annual Meeting (June 22, 2017)

Stanford Law School, Law, Culture and the Humanities Conference (April 1, 2017)

New York Law School, NYC Area Junior Faculty Colloquium (Oct. 21, 2016)

Houston Law Center, State and Local Gov't Law Workshop (Oct. 6, 2016)

Columbia Law School, Associates and Fellows Workshop (July 12, 2016)

Conjugal Liability

UCLA Law School, UCLA Law Review Spring Scholars' Forum (April 3, 2017)

Law & Society Association Annual Meeting (June 1, 2016)

Cardozo Law School, New York Area Family Law Scholars Workshop (May 6, 2016)

Columbia Law School, Associates and Fellows Workshop (Feb. 9, 2016)

Fordham Law School, Feminist Jurisprudence Workshop (Jan. 6, 2016)

FAMU Law School, Family Law Scholars and Teachers Workshop (June 21, 2015)

Bystander Interventions

Law & Society Association Annual Meeting (May 29, 2015)

Cardozo Law School, New York Area Family Law Scholars Workshop (May 7, 2015)

Georgetown Law School, Law, Culture, and the Humanities (March 8, 2015)

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Home Rules

University of Minnesota, Family Law Scholars and Teachers (May 28, 2014)
University of Virginia, Law, Culture, and the Humanities (March 10, 2014)
Columbia Law School, Associates and Fellows Workshop (Oct. 22, 2013)

Triangulating Rape

Columbia Law School, Associates and Fellows Workshop (June 20, 2012)
Yale Law School, Yale Law Doctoral Scholarship Conference (Dec. 2, 2011)

BLOG WRITINGS, PODCASTS, AND OTHER MEDIA

News

Quoted in Jodi Miller, *Is Charging Parents for School Shootings a Solution?* New Jersey State Bar Foundation Legal Eagle Newspaper for Kids (March 27, 2023)
<https://njsbf.org/2023/03/27/is-charging-parents-for-school-shootings-a-solution/>

Quoted in Katie Hyson, *Gainesville To Become First Florida City To Sue Over ‘Anti-Riot’ Law After 4-3 City Commission Vote*, WUFT (Aug. 6, 2021)
<https://www.wuft.org/news/2021/08/06/gainesville-to-become-first-florida-city-to-sue-over-anti-riot-law-after-4-3-city-commission-vote/>

Podcasts and Webinar Appearances

Webinar on Hyperlocal: The Role of Place-Based Governance Entities in Shaping Communities (Host: American Bar Association) (Oct. 27, 2023)

Florida Matters: DeSantis Enforces Executive Order to Have Final Say on Masks. But Some Local Officials are Fighting to Change That (Host: Bradley George) (Aug. 17, 2021)

Discriminatory Dualism, Ipse Dixit Podcast (Host: Brian L. Frye) (Aug. 2, 2020)

Blog Posts

Swan’s Picks, SLoG State & Local Government Law Blog (weekly compilation of state and local gov’t law news)

The Many Public Disorders of Florida’s HBI, SLoG State & Local Government Law Blog (Sept. 7, 2021)

Targeting Community Character, Second Thoughts: A Blog from the Center for Firearms Law at Duke University (May 7, 2020)

Conflict Resolution, Lately (weekly blog compilation of developments in dispute resolution)

Parental Liability and the Cycle of Violence, The Faculty Lounge Blog (Oct. 6, 2014)

Adding to Eviction Rates, The Faculty Lounge Blog (Sept. 6, 2014)

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A Surprise Female Plaintiff in an 1878 Pleading, The Faculty Lounge Blog (Sept. 23, 2013)

Trayvon Martin and Third-Party Settlements, The Faculty Lounge Blog (Sept. 10, 2013)

Audience-Oriented Wrongs, The Faculty Lounge Blog (Aug. 25, 2013)

Audience Participation, The Faculty Lounge Blog (Aug. 19, 2013)

SERVICE AND VOLUNTEER ACTIVITIES

Markelloquium! Criminal Law Workshop, Planning Committee (2023-present)

Advocacy and Amicus Brief Support, Public Rights Project (2021, 2022) and ACLU (2022, 2023)

Manuscript Peer Review: University of California Press (2022), University of Virginia Press (2020); Oxford University Press (2019)

AALS Family and Juvenile Law Section

Chair (2023-2024)

Chair-Elect (2022-2023)

Secretary (2021-2022)

Executive Committee (2020-2025)

Family Law Scholars and Teachers Conference Planning Committee (2019-2020)

Columbia Law School Reunion Committee (2019-2020)

Family Law Scholars and Teachers Conference Planning Committee (2014-2015)

SELECTED LEGAL PRACTICE EXPERIENCE

Pro Bono Attorney, Clemency Project 2014 (2016-2017)

Associate Attorney (Insurance and Commercial Litigation), Harper Grey LLP (2005-2008)

Supervising Attorney, UBC Student's Legal Advice Program (2007-2008)

Legal Committee Member, Women's Education and Legal Action Fund (2005-2006)

Judicial Law Clerk, British Columbia Supreme Court (2004-2005)