

# EMILY GOLD WALDMAN

---

Elisabeth Haub School of Law at Pace University  
78 North Broadway  
White Plains, NY 10603  
(914) 715-1461 (c)  
ewaldman@law.pace.edu

## EDUCATION

- 2002            **Harvard Law School**, J.D., *magna cum laude*  
*Harvard Law Review*, Editor  
Harvard Mediation Program, Vice President
- 1999            **Yale University**, B.A., *summa cum laude*, History  
Phi Beta Kappa  
Recipient of Edwin Small Prize for Senior Thesis in American History

## EXPERIENCE

- Fall 2006-  
present        **Elisabeth Haub School of Law at Pace University**, White Plains, NY  
**Professor of Law** (received tenure in 2011; promoted to full professor in 2014)  
**Associate Dean for Faculty Development** (2016-)  
  - Teaching fields include Law & Education, Employment Law, Constitutional Law, and Civil Procedure.
  - Administrative responsibilities include promoting faculty scholarship and development; establishing and administering faculty policies; and helping implement strategic plan and Haub gift.
  - Winner, Goettel Prize for Faculty Scholarship, 2008 (chosen by vote of external reviewers)
  - Winner, Ottinger Award for Faculty Achievement, 2015 & 2018 (chosen by faculty peers for service to law school)
- 2005-2006     **Chambers of the Honorable Robert A. Katzmann, Chief Judge of the United States Court of Appeals for the Second Circuit**, New York, NY  
**Law Clerk**
- 2003-2005     **Debevoise & Plimpton LLP**, New York, NY  
**Litigation Associate**
- 2002-2003     **Chambers of the Honorable William G. Young, United States Chief District Judge, District of Massachusetts**, Boston, MA  
**Law Clerk**

## ACADEMIC PUBLICATIONS

MENSTRUATION MATTERS: MAKING LAW AND SOCIETY RESPONSIVE TO HUMAN NEEDS  
(with Bridget J. Crawford) (NYU Press) (2022)

*Working Through Menopause*, 99 WASH U. L. REV. (forthcoming 2022) (with Bridget J. Crawford and Naomi R. Cahn)

*Contextualizing Menopause in the Law*, 43 HARV. J.L. & GENDER (forthcoming 2022)  
(with Bridget J. Crawford and Naomi R. Cahn)

*Managing and Monitoring the Menopausal Body*, 2022 U. CHI. L. FORUM (forthcoming 2022) (with Naomi R. Cahn and Bridget J. Crawford)

*Compared To What? Menstruation, Pregnancy, and the Complexities of Comparison*, 41 COLUM. J. GENDER & L. 218 (2021)

*Period Poverty in a Pandemic: Harnessing Law to Achieve Menstrual Equity*, 98 WASH U. L. REV. 1569 (2021) (with Bridget J. Crawford)

*School Jurisdiction Over Online Speech*, OXFORD HANDBOOK OF UNITED STATES K-12 EDUCATION LAW (2021) (book chapter)

*Title IX and Menstruation*, 43 HARV. J.L. & GENDER 225 (2020) (with Margaret E. Johnson & Bridget J. Crawford)

*Ministerial Magic: Tax-Free Housing and Religious Employers*, 21 U. PA. J. CONST. L. ONLINE 101 (2019) (with Bridget J. Crawford)

*The Ground on Which We All Stand: A Conversation About Menstrual Equity Law and Activism*, 26 MICH. J. GENDER & LAW 341 (2019) (with Bridget J. Crawford, Margaret E. Johnson, Marcy L. Karin, & Laura Strausfeld)

*Inclusion Riders and Diversity Mandates*, 7 BELMONT L. REV. (2019) (symposium issue)

*The Unconstitutional Tampon Tax*, 53 U. RICH. L. REV. 439 (2019) (with Bridget J. Crawford)

*The Preferred Preferences in Employment Discrimination Law*, 97 N.C. L. REV. 91 (2018)

*Show and Tell?: Students' Personal Lives, Schools, and Parents*, 47 CONN. L. REV. 699 (2015)

*University Imprimaturs on Student Speech: The Certification Cases*, 11 FIRST. AM. L. REV. 382 (2013) (symposium issue)

*No Jokes About Dope: Morse v. Frederick's Educational Rationale*, 82 UMKC L. REV. 685 (2013) (symposium issue)

*Badmouthing Authority: Hostile Speech About School Officials and the Limits of School Restrictions*, 19 WILLIAM & MARY BILL RTS. J. 592 (2011), reprinted in THE FIRST AMENDMENT LAW HANDBOOK, 2011-12 (Rodney A. Smolla, ed., Thomas/West 2011)

*Regulating Student Speech: Suppression versus Punishment*, 85 INDIANA L.J. 1113 (2010)

*A Post-Morse Framework for Students' Potentially Hurtful Speech (Religious and Otherwise)*, 37 J. LAW & EDU. 463 (2008); reprinted in THE FIRST AMENDMENT LAW HANDBOOK 2009-2010 (Rodney A. Smolla, ed., Thomas/West 2009)

*Returning to Hazelwood's Core: A New Approach to Restrictions on School-Sponsored Speech*, 60 FLORIDA L. REV. 63 (2008) (winner of 2008 Goettel Prize for Faculty Scholarship); reprinted in THE FIRST AMENDMENT LAW HANDBOOK 2008-2009 (Rodney A. Smolla, ed., Thomas/West 2008)

*Fulfilling Lucy's Legacy: Recognizing Implicit Good-Faith Obligations Within Explicit Job Obligations*, 28 PACE L.R. 429 (2008) (symposium issue)

*The Case of the Male OB-GYN: A Proposal for Expansion of the Privacy BFOQ in the Healthcare Context*, 6 U. PA. J. LAB. & EMP. L. 357 (2004)

*The Supreme Court, 2000 Term—Leading Cases*, Good News Club v. Milford Central School, 121 S. Ct. 2093 (2001), 115 HARV. L. REV. 396 (2001)

*Recent Case*, United States v. Hayes, 227 F.3d 578 (6<sup>th</sup> Cir. 2000), 114 HARV. L. REV. 2194 (2001)

## **OTHER WRITING**

Faculty Co-Author of Brief entitled “Brief of First Amendment and Education Law Scholars as *Amicus Curiae* Supporting Petitioner,” *Mahanoy Area School District v. B.L.* (March 2021)

*Tampons and Pads Should be Allowed at the Bar Exam*, op-ed (with Bridget J. Crawford), *New York Law Journal* (July 22, 2020)

Author of two casebook chapters (entitled “Students’ Freedom of Expression” and “Creation and Control of the Curriculum”) in *Education Law: Equality, Fairness, and Reform* (Aspen 3d. Edition 2020) (edited by Derek Brown)

*School Speech Controversies in Today's Climate*, in EIGHTEENTH ANNUAL SCHOOL LAW INSTITUTE (Practising Law Institute 2018)

*Students' Fourth Amendment Rights in Schools: Strip Searches, Drug Tests, and More* in TENTH ANNUAL SCHOOL LAW INSTITUTE, 87-96 (Practising Law Institute 2010) (reprinted in substantially similar form at 26 TOURO L. REV. 1131 (2011))

*Student Speech Rights: The State of the Law Post-Morse v. Frederick*, in EIGHTH ANNUAL SCHOOL LAW INSTITUTE, 107-118 (Practising Law Institute 2008)

*The Attorney-Client Privilege and Internal Investigations: Privilege Issues in Structuring an Investigation and Interviewing Witnesses*, in STAYING OUT OF TROUBLE: WHAT EVERY ATTORNEY MUST KNOW ABOUT ETHICS 2004, 409-425 (Practising Law Institute 2004) (with Mary Beth Hogan)

## **PRESENTATIONS AND MEDIA APPEARANCES**

*Menstruation Matters* Book Talk, Yale Alumni Nonprofit Alliance (June 28, 2022)

*Menstrual Health and Hygiene. Beginning and Ending with Dignity. Period.*, Centers for Disease Control and Prevention (CDC) Women's Health Research and Practice Series (May 11, 2022)

*The Dobbs Leak and Likely Overruling of Roe v. Wade*, News 12 (May 3, 2022 and May 4, 2022)

*Menstrual Justice*, William & Mary Law School Center for Racial and Social Justice program (March 31, 2022)

*Latest on Abortion Wars and Supreme Court*, Lindsey Reiser Reports, MSNBC (December 5, 2021)

*Managing and Monitoring the Menopausal Body*, The University of Chicago Legal Forum Symposium, "The Body," University of Chicago Law School, Chicago, IL (November 5, 2021) (with Bridget Crawford and Naomi Cahn)

*Inverting Shame to Achieve Policy Change: Examples from Social Media Campaigns in the United States*, Menstruation in the Media Conference: Digital Day, Menstruation Research Network and University of Sheffield (October 21, 2021) (with Bridget Crawford)

*Working Through Menopause*, Sixteenth Annual Colloquium on Scholarship in Labor and Employment Law, Vanderbilt Law School, Nashville, TN (October 15, 2021)

*Discussion of SB-8 (Texas abortion restriction)*, Zerlina Maxwell Show, NBC Peacock (October 7, 2021)

*Making Menstruation Matter in Law*, Menstruation Research Slam, Society for Menstrual Cycle Research Online Conference (August 5, 2021) (with Bridget Crawford)

*Menstruation, Law & Society: Obstacles and Opportunities for Reform*, Law and Society Association Annual Meeting (May 28, 2021)

Teacher Webinar, *Mahanoy Area School District v. B.L.* (co-hosted by the Cato Institute and iCivics (June 10, 2021)

*Mahanoy Area School District v. B.L. discussion*, New York State Bar Association Committee on Media Law (May 28, 2021)

*Regulating Off-Campus Speech in the Digital Age*, Westchester Women's Bar Association (May 18, 2021)

Faculty Co-Convener, Columbia Journal of Gender & Law Symposium, "Are You There, Law? It's Me, Menstruation," Columbia Law School, New York, NY (April 9-10, 2021)

- Presenter, *Menstruation and Employment* panel
- Moderator, *Courts and Constitutionality* panel

Episode 3: *Mahanoy Area School District v. B.L.*, “As a Matter of Law” podcast by *University of Richmond Law Review*, available at <https://soundcloud.com/richmond-law-review> (April 2021)

*Mahanoy Area School District v. B.L. discussion*, Harvard Law School-sponsored Initiative for a Representative First Amendment (March 26, 2021)

*The Unconstitutional Tampon Tax: Gender Discrimination in Tax Policy*, NYU Tax Law Association (November 11, 2020) (with Bridget Crawford)

*Is Tinker Still Good Law?* Virginia Law Review Online Symposium, “Speech Inside the Schoolhouse Gates: Fifty Years After Tinker v. Des Moines,” University of Virginia Law School, Charlottesville, VA (January 24, 2020)

*Compelled Pronouns?* Fourteenth Annual Colloquium on Scholarship in Labor and Employment Law, William S. Boyd School of Law at University of Nevada-Las Vegas, Las Vegas, NV (October 11, 2019)

*The Equal Protection Clause and Disparate Impact*, Law to Fact Podcast, available at <https://lawtofact.buzzsprout.com/138309/1027580-the-equal-protection-clause-and-disparate-impact> (April 16, 2019)

*The Equal Protection Clause and Suspect Classes*, Law to Fact Podcast, available at <https://lawtofact.buzzsprout.com/138309/1027581-the-equal-protection-clause-and-suspect-classes> (April 9, 2019)

*The Unconstitutional Tampon Tax*, Sarah Lawrence 21<sup>st</sup> Annual Women’s History Conference, Sarah Lawrence College, Bronxville, NY (March 2, 2019)

*The Unconstitutionality of Tampon Taxes*, Ipse Dixit Podcast, available at <https://shows.pippa.io/ipse-dixit/episodes/bridget-crawford-emily-gold-waldman-on-the-unconstitutionali> (November 26, 2018) (with Bridget Crawford)

*Inclusion Riders and Diversity Mandates*, Belmont Law Review Symposium on the Modern Workplace: Contemporary Issues in Labor and Employment Law, Belmont Law School, Nashville, TN (October 5, 2018)

*Supreme Court Analysis: The New Docket*, Richard French Live (October 1, 2018)

*The Preferred Preferences in Employment Discrimination Law*, Thirteenth Annual Colloquium on Scholarship in Labor and Employment Law, University of South Carolina Law School, Columbia, SC (September 28, 2018)

*School Speech Controversies in Today’s Climate*, Eighteenth Annual School Law Institute, Practising Law Institute, New York, NY (June 7, 2018).

*Supreme Court Analysis: The Kavanaugh Nomination*, Richard French Live (September 26, 2018)

*Supreme Court Analysis: The Kavanaugh Nomination*, Richard French Live (July 11, 2018)

*Supreme Court Analysis: Lead-Up to Announcement of New Nomination*, MSNBC (Velshi & Rule) (July 9, 2018)

*Supreme Court Analysis: Potential Nominees for Justice Kennedy's Seat*, Richard French Live (July 9, 2018)

*Supreme Court Analysis: Potential Nominees for Justice Kennedy's Seat*, Richard French Live (July 9, 2018)

*Supreme Court Analysis: Justice Kennedy's Retirement*, Richard French Live (June 27, 2018)

*Supreme Court Analysis: Justice Kennedy's Retirement*, News 12 Westchester (June 27, 2018)

*Legal Roundtable*, Richard French Live (June 6, 2018)

*Supreme Court Analysis: Major Decisions and Possible Justice Kennedy Retirement*, Richard French Live (May 16, 2018)

*The Commerce Clause*, Law to Fact Podcast, available at <https://lawtofact.buzzsprout.com/138309/660860-the-commerce-clause>

*Judging Statutes: Interpreting Congress' Laws Under the Constitution*, A Conversation with the Honorable Robert A. Katzmann, Chief Judge, United States Court of Appeals for the Second Circuit, Seventh Annual Constitution Day Celebration (organized by the Constitutional Sources Project), New York, NY (September 15, 2016)

*Introduction to Due Process and Equal Protection* (with the Honorable Elizabeth Stong, United States Bankruptcy Judge, Eastern District of New York), Summer Teachers Institute on Civic Education, New York, NY (July 5, 2016)

*Show and Tell? Students' Personal Lives, Schools, and Parents*, American Association of Law Schools Annual Meeting, Section on Defamation and Privacy (selected from competitive Call for Papers), New York, NY (January 4, 2014)

*University Imprimaturs on Student Speech*, Hofstra Law School Faculty Colloquium, Hempstead, NY (January 28, 2013).

*Hazelwood and Higher Education*, Symposium: One Generation Under Hazelwood: The 25-Year Retrospective on Student First Amendment Rights, University of North Carolina School of Law, Chapel Hill, NC (November 9, 2012)

*Morse v. Frederick's Educational Rationale*, Symposium: Gathering at the Schoolhouse Gate—40 Years of Landmark School Speech Cases, University of Missouri-Kansas City Law School, Kansas City, MO (September 21, 2012).

Moderator and Program Organizer, *Taking Stock at Title IX's 40<sup>th</sup> Anniversary*, American Association of Law Schools Annual Meeting, Joint Program of Sections on Education Law and Sports Law, Washington, DC (January 5, 2012).

Keynote Speaker, *When Words Become Weapons: Educational Perspectives and Legal Parameters*, Summer Institute Co-Sponsored by Pace Law School and Pace School of Education, White Plains, NY (July 12, 2011).

*Employment Law Implications of Student-on-Teacher Harassment*, Fifth Annual Labor & Employment Law Colloquium, Washington University Law School and St. Louis University Law Schools, St. Louis, MO (September 24, 2010).

Invited Speaker, Westchester County Board of Legislators Meeting about proposed cyber-bullying law, White Plains, NY (August 9, 2010).

*Students' Fourth Amendment Rights in Schools: Strip Searches, Drug Tests, and More*, Tenth Annual School Law Institute, Practising Law Institute, New York, NY (May 5, 2010).

*Regulating Student Speech: Suppression versus Punishment*, New York Junior Scholars Workshop at Fordham Law School, New York, NY (February 27, 2009).

*Student Speech Rights: The State of the Law Post-Morse v. Frederick*, Eighth Annual School Law Institute, Practising Law Institute. New York, NY (May 19, 2008).

*Unresolved Questions Regarding Students' Potentially Hurtful Speech*, Education & the Law Committee, New York City Bar Association. New York, NY (February 25, 2008).

*Lessons from Morse v. Frederick: Implications for Students' Religious Speech*, American Association of Law Schools Annual Meeting, Section on Education Law, New York, NY (January 4, 2008).

*Fulfilling Lucy's Legacy: Recognizing Implicit Good-Faith Obligations Within Explicit Job Obligations*, Pace Law School Symposium on "The Enduring Legacy of *Wood v. Lucy, Lady Duff-Gordon*," White Plains, NY (November 9, 2007).

## **LAW SCHOOL AND UNIVERSITY SERVICE**

Associate Dean of Faculty Development and Research (2016-present)

Faculty Director, Federal Judicial Honors Program (2007-present)

Chair, Law School Self-Study Process for American Bar Association Re-Accreditation (2021-22)

Faculty Co-Chair, University Search Committee for Vice President of Human Resources (Spring 2022)

Chair, Law School Search Committee for Assistant Dean for External Affairs (Spring 2021)

Chair, Strategic Planning Committee (2014-15); Curriculum Committee, (2013-14)

Member, Administration & Budget Committee (2016-present) (ex officio), Appointments Committee (2016-present) (ex officio), Admissions Committee (2016-present) (ex

officio), Career Development Committee (2016-present) (ex officio), Nominating Committee (2019-14; 2016-present) (ex officio); Curriculum Committee (2010-12; 2014-16); Academic Standing Committee (2016-10, 2012-13); Law School Dean Search Committee (2013-14); Task Force on Pace Law School's Environmental Law Program (2010); Strategic Planning Committee (2007-2010); Ad Hoc Committee for Revision of Promotion and Tenure Rules (2007-2008).

## **PROFESSIONAL SERVICE AND ACTIVITIES**

Member, American Law Institute (2019-present)

Member, Second Circuit Program Planning Committee for the 2020 Judicial Conference (2019-present)

Member, Second Circuit Judicial Council Committee on Civic Education and Public Engagement (2015-present)

Member, Executive Committee, Section on Employment Discrimination Law, American Association of Law Schools

Member, Advisory Board, Student Advocacy (2018-present; previous secretary of Board)

Previous Chair, Section on Education Law, American Association of Law Schools (Chair in 2011, Chair-Elect in 2010, Secretary in 2009; Treasurer in 2008)

Member, Second Circuit Courts Committee, Federal Bar Council (2007-2011)

Member, Education & the Law Committee, New York City Bar Association (2005-2008)

## **BAR ADMISSIONS**

New York State Bar, Admitted May 7, 2003 (Second Department).

Admitted to appear before the Southern District of New York, Eastern District of New York, and the United States Court of Appeals for the Second Circuit.