

AMANDA HARMON COOLEY
South Texas College of Law Houston
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ACADEMIC APPOINTMENTS

South Texas College of Law Houston, Houston, TX

Professor of Law, 2016 - present (tenured)

Vinson & Elkins Research Professor, 2021 - 2025 (four-year term)

Wayne Fisher Research Professor, 2016 - 2020 (four-year term)

Associate Professor of Law, 2013 - 2016

Assistant Professor of Law, 2010 - 2013

Courses: Constitutional Law, Constitutional Law Seminar, Deposition Skills, Education Law Seminar, Legal Research and Writing I & II, Marshall-Brennan Constitutional Literacy Project Clinic

North Carolina A & T State University College of Business & Economics, Greensboro, NC

Assistant Professor, 2007 - 2010

Courses: Business Environment, Business Law, and Legal Environment of Business

ARTICLES AND BOOK CHAPTERS

The Persistence of Lemon, 47 UNIVERSITY OF DAYTON LAW REVIEW 411 (2022).

- Invited Article for Keynote Speech at University of Dayton School of Law 2021 Education Law Symposium: *Lemon v. Kurtzman at 50: Has the Supreme Court Soured on Its Bitter Fruits?*

Powerful Problem of Prayer at Public School Board Meetings, 43 CARDOZO LAW REVIEW 101 (2022).

Framers' Fidelity and Thicket Theory in Educational Establishment Clause Jurisprudence, 58 SAN DIEGO LAW REVIEW 1 (2021).

Justiciability and Judicial Fiat in Establishment Clause Cases Involving Religious Speech of Students, 22 UNIVERSITY OF PENNSYLVANIA JOURNAL OF CONSTITUTIONAL LAW 911 (2020).

Inculcating Suppression, 107 GEORGETOWN LAW JOURNAL 365 (2019).

- Cited in Brief of the States of Louisiana, et al., as Amici Curiae Supporting Respondents, *Mahanoy Area Sch. Dist. v. B.L. ex rel. Levy*, No. 20-255, 2021 WL 1298503, at *8 (U.S. Mar. 31, 2021).

An Efficacy Examination and Constitutional Critique of School Shaming, 79 OHIO STATE LAW JOURNAL 319 (2018).

Against Shaming: Preserving Dignity, Decency, and A Moral-Educative Mission in American Schools, 91 ST. JOHN'S LAW REVIEW 793 (2017).

The Impact of Marijuana Legalization on Youth and The Need for State Legislation on Marijuana-Specific Instruction in K-12 Schools, 44 PEPPERDINE LAW REVIEW 71 (2016).

Constitutional Representations of the Family in Public Schools: Ensuring Equal Protection for All Students Regardless of Parental Sexual Orientation or Gender Identity, 76 OHIO STATE LAW JOURNAL 1007 (2015).

Controlling Students and Teachers: The Increasing Constriction of Constitutional Rights in Public Education, 66 BAYLOR LAW REVIEW 235 (2014).

- Cited in Brief of 24 States as Amici Curiae in Support of Petitioner, *Kennedy v. Bremerton Sch. Dist.*, No. 21-418, 2021 WL 4976316, at *11 (U.S. Oct. 18, 2021).

Promissory Education: Reforming the Student Loan Counseling Process to Promote Informed Access and to Reduce Student Debt Burdens, 46 CONNECTICUT LAW REVIEW 119 (2013).

The Need for Legal Reform of the For-Profit Educational Industry, 79 TENNESSEE LAW REVIEW 515 (2012).

Should the Current Limits on Educational Use of Copyrighted Material and Intellectual Property Be Revised to Give Schools More Latitude and Guidance? COUNTERPOINT, in DEBATING ISSUES IN AMERICAN EDUCATION - SCHOOL LAW (Charles J. Russo & Allan G. Osborne Jr. eds., 2012).

Should Students Be Required to Salute the Flag If They or Their Parents Object to the Inclusion of the Words "Under God"? COUNTERPOINT, in DEBATING ISSUES IN AMERICAN EDUCATION - RELIGION IN SCHOOLS (Charles J. Russo & Allan G. Osborne Jr. eds., 2012).

A Contractual Deterrence Strategy for User-Generated Copyright Infringement and Subsequent Service Provider Litigation, 64 SMU LAW REVIEW 691 (2011).

The Constitutional and Contractual Controversy of Suspicionless Drug Testing of Public School Teachers, 63 OKLAHOMA LAW REVIEW 421 (2011) (with Marka B. Fleming & Gwendolyn McFadden-Wade).

From Diploma Mills to For-Profit Colleges and Universities: Business Opportunities, Regulatory Challenges, and Consumer Responsibility in Higher Education, 18 SOUTHERN CALIFORNIA INTERDISCIPLINARY LAW JOURNAL 505 (2009) (with Aaron Cooley).

Legal Implications Surrounding University Policies Enacted to Govern the Consensual Professor-Student Relationship, 19 SOUTHERN LAW JOURNAL 111 (2009) (with Marka B. Fleming & Gwendolyn McFadden-Wade).

Morals Clauses for Educators in Secondary and Postsecondary Schools: Legal Applications and Constitutional Concerns, 2009 BYU EDUCATION & LAW JOURNAL 67 (2009) (with Marka B. Fleming & Gwendolyn McFadden-Wade).

“Piggybacking” on Core Business Communication Competencies: Developing Student Communication Skills in Legal Environment of Business Courses, 72 BUSINESS COMMUNICATION QUARTERLY 431 (2009).

A Radical Redefinition of Liability for Misrepresentation on Internet Social Networking Sites: The Perilous Precedent of United States v. Drew, 19 SOUTHERN LAW JOURNAL 1 (2009) (reprinted in revised format as *Guarding Against a Radical Redefinition of Liability for Internet Misrepresentation: The United States v. Drew Prosecution and the Computer Fraud and Abuse Act*, 14.8 JOURNAL OF INTERNET LAW 1 (2011)).

Morality and Money: Contractual Morals Clauses as Fiscal and Reputational Safeguards, 14 JOURNAL OF LEGAL STUDIES IN BUSINESS 1 (2008) (with Marka B. Fleming & Gwendolyn McFadden-Wade).

Trade Dress Protection of Business Décor: What is this Tertium Quid?, 18 SOUTHERN LAW JOURNAL 19 (2008).

Uneasy Lies the Tiara: Crowns, Contracts, and the Rebekah Revels Litigation, 15 WILLIAM & MARY JOURNAL OF WOMEN & THE LAW 91 (2008).

God and Country: The Dangerous Intersection of Religion and Patriotism in the First Term of the George W. Bush Administration, 16 KANSAS JOURNAL OF LAW & PUBLIC POLICY 157 (2007).

Trade Secrets Litigation: Protecting Compilation of Business Information, 13(3) ABA BUSINESS TORTS JOURNAL 1 (2006) (with Eric Welsh).

They Fought the Law and the Law (Rightfully) Won: The Unsuccessful Battle to Impose Tort Liability upon Media Defendants for Violent Acts of Mimicry, 5 TEXAS REVIEW OF ENTERTAINMENT & SPORTS LAW 203 (2004).

ARTICLES IN PROGRESS

Major Encroachments

A Tale of Two Constitutional Revolutions

SELECTED PRESENTATIONS

The Persistence of Lemon, Invited Keynote Speech for University of Dayton School of Law 2021 Education Law Symposium: *Lemon v. Kurtzman at 50: Has the Supreme Court Soured on Its Bitter Fruits?*

Framers' Fidelity and Thicket Theory in Educational Establishment Clause Jurisprudence, University of Houston Law Center Works-in-Progress Series, Dec. 2020.

The Legality of School Shaming, Education Law Association Annual Conference, Orlando, FL, Nov. 2016.

The Impact of Marijuana Legalization on Youth and The Need for State Legislation on Marijuana-Specific Instruction in K-12 Schools, Texas Southern University, Thurgood Marshall School of Law Faculty Quodlibet Series, Houston, TX, Apr. 2016.

Familial Constitutional Challenges to Legislation that Stigmatizes or Prohibits the Teaching of LGBT Relationships in Public Schools, Southeastern Association of Law Schools 2013 Annual Conference, West Palm Beach, FL, Aug. 2013.

Promissory Education, Thurgood Marshall School of Law Faculty Quodlibet Series, Houston, TX, Apr. 2013.

Can Higher Education and Higher Profits Coexist?: Reforming the Regulatory Environment of the For-Profit Educational Industry, Emory School of Law Vulnerability and the Human Condition Initiative & Feminism and Legal Theory Workshop - Privatization and Social Responsibility, Atlanta, GA, Feb. 2012.

The Diminution of Speech and Privacy Rights in Public Schools, Texas Southern University, Thurgood Marshall School of Law Faculty Quodlibet Series, Houston, TX, Sept. 2011.

The Shadow of the Schoolhouse Gate, Southeastern Association of Law Schools 2011 Annual Conference New Scholars Workshop, Hilton Head Island, SC, July 2011.

PROFESSIONAL GRANTS, HONORS & AWARDS

South Texas College of Law Houston Vinson & Elkins Research Professorship, 2021 - present

South Texas College of Law Houston Summer Stipends for Research & Writing, 2010 - 2022

South Texas College of Law Houston Excellence in Scholarship Award, 2020-2021

Association of American Law Schools Teacher of the Year for South Texas College of Law Houston, 2020, 2018

South Texas College of Law Houston Wayne Fisher Research Professorship, 2016 - 2020

North Carolina A & T State University College of Business and Economics Academic Research Grant, 2009

Southern Academy of Legal Studies in Business Conference Best Paper Award, 2009

North Carolina A & T State University Center for Distance Learning Course Development Grants, 2007 - 2008

North Carolina A & T State University College of Business and Economics Research Productivity Award, 2008

Southeastern Academy of Legal Studies in Business Conference Best Paper Award, 2007

PROFESSIONAL SERVICE

AMERICAN BUSINESS LAW JOURNAL Peer Reviewer, 2007 - present

Houston Bar Association Lawyers for Literacy Committee, 2020 - present

Adam A. Milani Disability Law Writing Competition Judge, 2022

Houston Bar Association Constitution Day Reader, 2022, 2021, 2020

National Black Law Students Association Thurgood Marshall Moot Court Competition Judge, 2022

National Scribes Best Brief Competition Brief Screener, 2022, 2021, 2020, 2018, 2017, 2015, 2013

National Scribes Law Review Award Competition Article Screener, 2022, 2021, 2020, 2018

Houston Bar Association Law Week Reader, 2021

Legal Writing Institute Workshop: One Best Thing Alternative Session Host, 2021

National Marshall-Brennan Constitutional Literacy Project High School Moot Court Competition Initial Rounds Judge, 2020, 2019, 2018, 2016

National Native American Law Students Association Annual Moot Court Competition Brief Judge, 2020

Kids' Right to Read Project (Joint Project of the National Coalition Against Censorship and the Comic Book Legal Defense Fund) Consultant, 2019

Southeastern Association of Law Schools Annual Conference, "Responding to Inequality" Panel Moderator, 2015

Rocky Mountain Region Black Law Student Association Frederick Douglass Moot Court Competition Brief Grader, 2014 - 2015

Southeastern Association of Law Schools Annual Conference New Scholars Panel Moderator, 2014

SOUTH TEXAS COLLEGE OF LAW HOUSTON SERVICE

Faculty Scholarship Committee, 2021 - present, 2019 - 2021 (Co-Chair), 2018, 2011 - 2016 (Co-Chair Fall 2015 - Spring 2016; Chair Spring 2015)

Faculty Scholarship Program Mentor, 2021 - present

Friendly Feedback Scholarship Review Program Reviewer, 2020 - present

Judicial Clerkships Committee, 2022 - present (Vice-Chair), 2020 - 2021

Exam Administration Committee, 2021 - 2022

Student Scholarship Selection Committee, 2021 - 2022

Distinguished and Research Professorships Advisory and Selection Committees, 2020

Orientation Professor, 2020, 2019, 2010 - 2016

Teaching During the COVID-19 Pandemic Best Practices Planning Committee, 2020

Alternative Dispute Resolution Intramural Tournament Judge, 2019, 2017, 2015

Curriculum Committee, 2019 - 2021

Getting a Head Start: Developing Skills for Law School Success Program Professor, 2019, 2017

Weigel and Vinson & Elkins Research Professorships Selection Committees, 2019, 2018

Faculty Appointments Committee, 2017 - 2018, 2015

Program Effectiveness Committee, 2016 - 2018

Teacher Development Committee, 2015 - 2018

ABA and AALS Self-Study Committee, 2014 - 2017

Jeffers Intramural Moot Court Tournament Judge, 2017, 2015, 2014, 2013, 2011, 2010

Student Awards Liaison, 2015 - 2016

Grades & Calendar Committee, 2012 - 2015

Admissions Committee, 2012 - 2013

Financial Aid Committee, 2011 - 2013

Technology Committee, 2011 - 2012

Library and Student-Faculty Committees, 2010 - 2011

COMMUNITY ENGAGEMENT

Girl Scouts of San Jacinto Council Juniors and Brownies Troop Friends and Family Volunteer, Houston, TX, 2019 - present

West U Methodist Foundation Board of Directors Member, West University Place, TX, 2020 - present

West University Elementary School Library Volunteer, West University Place, TX, 2018 - present

West University Elementary School Monthly Mustang Newspaper Proofreader, West University Place, TX, 2021 - present

Odyssey of the Mind Houston State and Regional Associations Volunteer, Houston, TX, 2022

West University Elementary School Parent Teacher Organization Lost and Found Coat Donation Program Committee Chair and Coordinator, West University Place, TX, 2019 – 2022

Friends of West University Parks Event Volunteer, West University Place, TX, 2021, 2019

West University Elementary School Junior Achievement Classroom Facilitator and Instructor, West University Place, TX, 2020

Children's Literacy Initiative Houston Community Council and Fundraising Event Host Committee Member, Houston, TX, 2019 - 2020

Girl Scouts of San Jacinto Council Brownie Troop Leader, Houston, TX, 2019 - 2020

West University Elementary School Souper Bowl of Caring Classroom Coordinator, West University Place, TX, 2019

Rise Against Hunger Volunteer, West University Place, TX, 2017 - 2018

Houston Community Service Center Food and Clothing Drive Volunteer, West University Place, TX, 2017, 2015

Houston Serve the City Outreach Volunteer, Houston, TX, 2015 - 2016

West University Place United Methodist Church Strategic Planning Task Force Member, West University Place, TX, 2013 - 2014

West University Place Good Neighbor Team Member, West University Place, TX, 2011 - 2014

Pro-Vision School Booker T. Washington Essay Contest Judge, Houston, TX, 2012

West University Place United Methodist Church Missions Committee Member, West University Place, TX, 2012

Medical Bridges Volunteer, Houston, TX, 2011

South Texas College of Law Race for the Cure Team Member, Houston, TX, 2010 - 2011

EDUCATION

University of North Carolina, Chapel Hill, NC

J.D. with Honors, 2003

B.A. in English with Highest Honors and Phi Beta Kappa, 2000

PROFESSIONAL EXPERIENCE

Parker, Poe, Adams, & Bernstein LLP, Charlotte, NC

Associate - Antitrust, Business Torts, and Intellectual Property Litigation Group, 2005 - 2006

United States District Court for the Southern District of Texas, Corpus Christi, TX

Law Clerk to United States District Judge Hayden Head, 2003 - 2005

BAR ADMISSIONS

United States District Court for the Western District of North Carolina, 2005

North Carolina, 2003

PROFESSIONAL ASSOCIATIONS

American Bar Association

Houston Bar Association

Legal Writing Institute