

**AMANDA HARMON COOLEY**

South Texas College of Law Houston  
1303 San Jacinto Street, Houston, TX 77002  
(713) 646-1860 / acooley@stcl.edu

**ACADEMIC APPOINTMENTS**

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**South Texas College of Law Houston**, Houston, TX

*Wayne Fisher Research Professor of Law*, 2016 - present

*Professor of Law*, 2016 - present (tenured)

*Associate Professor of Law*, 2013 - 2016

*Assistant Professor of Law*, 2010 - 2013

Courses: Constitutional Law Seminar, Deposition Skills, Education Law, Legal Research and Writing, and Marshall-Brennan Constitutional Law 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

**PROFESSIONAL EXPERIENCE**

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**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

**EDUCATION**

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**University of North Carolina School of Law**, Chapel Hill, NC

J.D. with Honors, 2003

**University of North Carolina**, Chapel Hill, NC

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

**ARTICLES AND BOOK CHAPTERS**

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

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

*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).

*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).

## **SELECTED ARTICLES IN PROGRESS**

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*Expanding Gender Equality in American Public Education*

*The Thicket Theory of School Establishment Clause Cases*

## **SELECTED OTHER PUBLICATIONS**

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*Book Review*, 51 CHOICE 6444 (2014) (reviewing ANNE NEWMAN, REALIZING EDUCATIONAL RIGHTS: ADVANCING SCHOOL REFORM THROUGH COURTS AND COMMUNITIES (2013)).

*Book Review*, 11 POLITICAL STUDIES REVIEW 436 (2013) (reviewing CONSTITUTION 3.0: FREEDOM AND TECHNOLOGICAL CHANGE (Jeffrey Rosen & Benjamin Wittes eds., 2011)).

*Smith v. Allwright*, in MULTICULTURAL AMERICA (Carlos E. Cortés ed., 2013).

*United States v. Forrester*, in *ENCYCLOPEDIA OF THE FOURTH AMENDMENT* (John R. Vile & David L. Hudson, Jr. eds., 2013).

*Book Review*, 10 *POLITICAL STUDIES REVIEW* 159 (2012) (reviewing MARK TUSHNET, *WHY THE CONSTITUTION MATTERS* (2010)).

*American Civil Liberties Union*, in 1 *ENCYCLOPEDIA OF SOCIAL NETWORKS* 26 (George A. Barnett ed., 2011).

*Environmental Law and Policy Center*, in *GREEN ETHICS AND PHILOSOPHY: AN A-TO-Z GUIDE* 196 (Julie Newman ed., 2011).

*Shelley v. Kraemer*, in 2 *THE U.S. JUSTICE SYSTEM: AN ENCYCLOPEDIA* 683 (Steven H. Wilson ed., 2011).

*Book Review*, *GLOBAL LAW BOOKS* (Sept. 1, 2010), <http://www.globallawbooks.org/reviews/detail.asp?id=632> (reviewing HELEN STACY, *HUMAN RIGHTS FOR THE 21<sup>ST</sup> CENTURY: SOVEREIGNTY, CIVIL SOCIETY, CULTURE* (2009)).

*Book Review*, *EDUCATION REVIEW* (May 14, 2010), <http://www.edrev.info/reviews/rev918.pdf> (reviewing *FEMINIST PEDAGOGY: LOOKING BACK TO MOVE FORWARD* (Robbin D. Crabtree et al. eds., 2009)).

*Energy Performance Contracting*, in *GREEN BUSINESS: AN A-TO-Z GUIDE* 184 (Nevin Cohen & Dirk P. Philipsen eds., 2010).

*Book Review*, 19 *LAW & POLITICS BOOK REVIEW* 405 (2009) (reviewing *GOVERNMENT BY CONTRACT: OUTSOURCING AND AMERICAN DEMOCRACY* (Jody Freeman & Martha Minnow eds., 2009)).

*Book Review*, 7 *POLITICAL STUDIES REVIEW* 299 (2009) (reviewing JEFFREY ROSEN, *THE MOST DEMOCRATIC BRANCH: HOW THE COURTS SERVE AMERICA* (2006)).

*Dennis Hightower*, in 2 *THE OXFORD ENCYCLOPEDIA OF AFRICAN AMERICAN HISTORY, 1896-PRESENT* 420 (Paul Finkelman ed., 2009).

*Equal Protection Analysis*, in *ENCYCLOPEDIA OF LAW AND HIGHER EDUCATION* 161 (Charles J. Russo ed., 2009).

*Book Review*, 5 *SCRIPT-ED: JOURNAL OF LAW, TECHNOLOGY, & SOCIETY* 440 (2008) (reviewing KATHY BOWREY, *LAW AND INTERNET CULTURES* (2005)).

## **SELECTED PRESENTATIONS**

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*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.

*The Constitutional and Contractual Controversy of Suspicionless Drug Testing of Public School Teachers*, Southern Academy of Legal Studies in Business Conference, San Antonio, TX, Mar. 2010.

*A Radical Redefinition of Liability for Misrepresentation on Internet Social Networking Sites*, Southern Academy of Legal Studies in Business Conference, San Antonio, TX, Mar. 2009.

*From Diploma Mills to For-Profit Colleges and Universities*, Southeastern Academy of Legal Studies in Business Conference, Atlanta, GA, Nov. 2008.

*Uneasy Lies the Tiara: The Legal, Economic, and Sociocultural Effects of Scandal and Litigation in the Pageant Industry*, Southern Academy of Legal Studies in Business Conference, San Antonio, TX, Mar. 2008.

*Morality and Money: Contractual Morals Clauses as Fiscal and Reputational Safeguards*, Southeastern Academy of Legal Studies in Business Conference, Memphis, TN, Nov. 2007 (with Marka B. Fleming).

## **PROFESSIONAL GRANTS, HONORS & AWARDS**

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

South Texas College of Law Houston Summer Stipends for Research & Writing, 2010 - 2019

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

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

### **MEDIA COMMENTARY**

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Mary Stegmeir & Josh Hafner, *Few Public Contracts Have Morals Clauses*, DES MOINES  
REGISTER (June 9, 2012, 10:39 PM),  
[http://www.desmoinesregister.com/apps/pbcs.dll/article?AID=2012306100025&nclick\\_heck=1](http://www.desmoinesregister.com/apps/pbcs.dll/article?AID=2012306100025&nclick_heck=1) (reprinted in INDIANAPOLIS STAR,  
<http://www.indystar.com/article/D2/20120610/NEWS/306100025/Few-public-contracts-morals-clauses?odyssey=nav|head>).

### **PROFESSIONAL SERVICE**

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AMERICAN BUSINESS LAW JOURNAL Peer Reviewer, 2007 - present

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

National Scribes Best Brief Competition Brief Screener, 2018, 2017, 2015, 2013

National Scribes Law Review Award Competition Article Screener, 2018

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

GREEN BUSINESS: AN A-TO-Z GUIDE Consulting Editor, 2010

JOURNAL OF LEGAL STUDIES IN BUSINESS Staff Editor, 2010

JOURNAL OF LEGAL STUDIES EDUCATION Peer Reviewer, 2008 - 2010

SOUTHERN JOURNAL OF BUSINESS AND ETHICS Advisory Editor, 2008 - 2010

JOURNAL OF LEGAL STUDIES IN BUSINESS Peer Reviewer, 2008 - 2009

**SOUTH TEXAS COLLEGE OF LAW HOUSTON SERVICE**

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

Orientation Professor, 2019, 2010 - 2016

Weigel Research Professorship Selection Committee, 2019

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

Vinson & Elkins Research Professorship Selection Committee, 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

Alternative Dispute Resolution Intramural Tournament Judge, 2017, 2015

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 Committee, 2010 - 2011

Student-Faculty Committee, 2010 - 2011

## **COMMUNITY ENGAGEMENT**

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Children's Literacy Initiative, Houston Community Council, Houston, TX, 2019 - present

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

Children's Literacy Initiative, Inaugural Houston Fundraising Event Host Committee Member, Houston, TX, 2019

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

## **BAR ADMISSIONS**

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United States District Court for the Western District of North Carolina, 2005  
North Carolina, 2003

## **PROFESSIONAL ASSOCIATIONS**

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American Bar Association  
Houston Bar Association  
Legal Writing Institute