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Forthcoming

Constitutional Case Assignment, 102 N.C. L. REV. (forthcoming 2024).

Self-Accommodation at Work, 28 EMPLOYEE RTS. & EMP. POL'Y J. 1 (forthcoming 2024).

Ben Crump and Racialized Professionalism, ST. JOHN'S L. REV. (forthcoming 2024) (symposium essay).

Law Review and Other Scholarly Articles

Section 1983 Dealmaking, 97 TUL. L. REV. 1 (2022).

Disability Without Documentation, 90 FORDHAM L. REV. 59 (2021).

Procedural Animus, 71 ALA. L. REV. 1185 (2020).

Foreseeable Police Shootings, 119 COLUM. L. REV. FORUM 283 (2019),
<https://columbialawreview.org/content/foreseeable-police-shootings/>.

Accelerated Civil Rights Settlements in the Shadow of Section 1983, 2018 UTAH L. REV. 639 (2018).

Los Angeles v. Mendez: Proximate Cause Promise for Police Shooting Victims, 118 COLUM. L. REV. ONLINE 48 (2018), <https://columbialawreview.org/content/los-angeles-v-mendez-proximate-cause-promise-for-police-shooting-victims/>.

The New Jim Crow's Equal Protection Potential, 27 WM. & MARY BILL RTS. J. 61 (2018).

Posner Tackles the Pro Se Prisoner Problem: A Book Review of Reforming the Federal Judiciary, 83 MO. L. REV. 113 (2018).

Introduction, Symposium, Terry v. Ohio: Considering The Past, Present, & Future of Stop And Frisk, 54 IDAHO L. REV. 279 (2018).

Camouflaging State Biosimilar Laws as Pro-Patient Legislation, 26 ANNALS HEALTH L. 52 (2017).

Shadow Judges: Staff Attorney Adjudication of Prisoner Claims, 95 OR. L. REV. 97 (2016).

Predicting Utah v. Strieff's Civil Rights Impact, 126 YALE L.J. F. 139 (2016),
<https://www.yalelawjournal.org/forum/predicting-utah-v-streiffs-civil-rights-impact>.

A New Approach to Local Rules, 11 STAN. J. C.R. & C.L. 121 (2015).

Analyzing the Southern District of New York's Amended "Related Cases" Rule: The Process For Challenging Nonrandom Case Assignment Remains Inadequate, 69 N.Y.U. Ann. Surv. AM. L. 699 (2015).

The Danger of Nonrandom Case Assignment: How the Southern District of New York's "Related Cases" Rule Shaped Stop-and-Frisk Rulings, 19 Mich. J. Race & L. 199 (2014).

Adversarial No More: How Sua Sponte Assertion of Affirmative Defenses to Habeas Wreaks Havoc on the Rules of Civil Procedure, 91 Or. L. Rev. 177 (2012).

The Improper Dismissal of Title VII Claims on "Jurisdictional" Exhaustion Grounds: How Federal Courts Require that Allegations be Presented to an Agency Without the Resources to Consider Them, 21 Geo. Mason Univ. C.R. L.J. 213 (2011).

Note, *Derungs v. Wal-Mart Stores: A Federal Interpretation Excluding Breast-Feeding from a State's Sex Discrimination Protection*, 38 LOY. L.A. L. REV. 2319 (2005).

Book Chapters

Teaching the Americans with Disabilities Act's Constitutionality without Othering Law Students with Disabilities in INTEGRATING DOCTRINE AND DIVERSITY: INCLUSION & EQUITY BEYOND THE FIRST YEAR (Nicole P. Dyszlewski et al. eds., 2024).

Prisoner Procedure in A GUIDE TO CIVIL PROCEDURE: INTEGRATING CRITICAL LEGAL PERSPECTIVES (Brooke Coleman et al. eds., 2022).

Commentary on Kulko v. Superior Court of California (with Mary-Beth Moylan), in FEMINIST JUDGMENTS: FAMILY LAW OPINIONS REWRITTEN (Rachel Rebouché eds., 2020).

Reports to Governmental Bodies and Professional Associations

Brief of Amici Curiae Law Professors in Support of Plaintiff-Appellees, *E.T. v. Paxton*, (5th Cir. 2022) (No. 21-51083).

Reports, News, and Commentary

A Categorical No to Categorical Accommodation Denials Related to COVID-19? (with Irina D. Manta), BILL OF HEALTH (Harvard Law Petrie-Flom Center, Sept. 11, 2023), <https://blog.petrieflom.law.harvard.edu/2023/09/11/a-categorical-no-to-categorical-accommodation-denials-related-to-covid-19/>.

A Patient's Right to Masked Health Care Providers, BILL OF HEALTH (Harvard Law Petrie-Flom Center, July 20, 2023). <https://blog.petrieflom.law.harvard.edu/2023/07/20/a-patients-right-to-masked-health-care-providers/>.

Personal Crusades for Public Health, BILL OF HEALTH (Harvard Law Petrie-Flom Center, Feb. 14, 2023), <https://blog.petrieflom.law.harvard.edu/2023/02/14/personal-crusades-for-public-health/>.

Negotiating Masks in the Workplace When the ADA Does and Does Not Apply, BILL OF HEALTH (Harvard Law Petrie-Flom Center, March 8, 2022), <https://blog.petrieflom.law.harvard.edu/2022/03/08/masks-workplace-ada-reasonable-accommodation/>.

Using Health Justice to Identify Inequities Experienced by Employees with Disabilities, BILL OF HEALTH (Harvard Law Petrie-Flom Center, Oct. 4, 2021). <https://blog.petrieflom.law.harvard.edu/2021/10/04/health-justice-disability/>

So Sorry to Bother You, But I Might Die If You Don't Wear a Mask, INTIMA: A JOURNAL OF NARRATIVE MEDICINE (Fall 2020), <https://static1.squarespace.com/static/54bc1287e4b09cb81d8d8439/t/5f9cdafb98f8bd6abc712ecf/1604115198866/So+Sorry+to+Bother+You%2C+But+I+Might+Die+If+You+Don%27t+Wear+a+Mask.pdf>.

Employers Have the Power to Make Workplaces More Accessible, BLOOMBERG LAW: DAILY LABOR REPORT (Oct. 22, 2021), <https://news.bloomberglaw.com/daily-labor-report/employers-have-the-power-to-make-workplaces-more-accessible>.

Vaccinate High-Risk People with Disabilities. Now, MS. MAGAZINE (Mar. 4, 2021), <https://msmagazine.com/2021/03/04/vaccinate-high-risk-disabilities-priority/>.

Testing Accommodations are not a Gift of Extra Time, MS. JD (Jan. 10, 2019), <https://ms-jd.org/blog/article/testing-accommodations-are-not-a-gift-of-extra-time>.

Surviving Inaccessible Work Retreats, MS. JD (Dec. 16, 2018), <https://ms-jd.org/blog/article/surviving-inaccessible-work-retreats>.

What does it mean to be a lawyer? Navigating disability and unexpected physical demands, MS. JD (Nov. 10, 2019), <https://ms-jd.org/blog/article/what-does-it-mean-to-be-a-lawyer-navigating-disability-and-unexpected-physi>.

Pushed & Pulled: The Kavanaugh Effect, Ms. JD (Sept. 30, 2018), <https://ms-jd.org/blog/article/pushed-pulled-the-kavanaugh-effect>.

Owning Up to My Reality: I'm Disabled, and I Always Will Be, Ms. JD (Aug. 27, 2018), <https://ms-jd.org/blog/article/owning-up-to-my-reality-im-disabled-and-i-always-will-be>.

Obtaining Accommodations at Your New Law Job, Ms. JD (July 29, 2018), <https://ms-jd.org/blog/article/obtaining-accommodations-at-your-new-law-job>.

Doctors v. Lawyers, Ms. JD (June 25, 2018), <https://ms-jd.org/blog/article/doctors-v.-lawyers>.

Disability & the Summer Associate Gig: To Disclose or Not to Disclose?, Ms. JD (June 3, 2018), <https://ms-jd.org/blog/article/disability-the-summer-associate-gig-to-disclose-or-not-to-disclose>.

When the Law Empowers: Learning Disability Advocacy by Helping Yourself, Ms. JD (May 3, 2018), <https://ms-jd.org/blog/article/when-the-law-empowers-learning-disability-advocacy-by-helping-yourself>.

Controlling the Conversation About (Your) Disability, Ms. JD (March 28, 2018), <https://ms-jd.org/blog/article/controlling-the-conversation-about-your-disability>.

Can a Disabled Lawyer Achieve Work-Life Balance?, Ms. JD (Feb. 28, 2018), <https://ms-jd.org/blog/article/is-it-possible-for-a-disabled-lawyer-to-achieve-work-life-balance>.

Making Peace with Testing Accommodations, Ms. JD (Jan. 28, 2018), <https://ms-jd.org/blog/article/making-peace-with-testing-accommodations>.

Do What You Love, But Be Open to Doing It Anywhere, Ms. JD (Nov. 10, 2017), <https://ms-jd.org/blog/article/do-what-you-love-but-be-open-to-doing-it-anywhere>.

Opinion: Trump Wrong But Stop-And-Frisk Still Constitutional, LAW360 (Sept. 22, 2016), <https://www.law360.com/articles/843445/opinion-trump-wrong-but-stop-and-frisk-still-constitutional>.

When I'm 'Stalled' by Someone Without a Disability in the Accessible Bathroom, THE MIGHTY (Jun. 20, 2016), <https://themighty.com/topic/disability/why-people-without-disabilities-shouldnt-use-the-accessible-bathroom/>.

Uterus Transplants and the Social Pressures of Biological Motherhood, MS. MAGAZINE (Nov. 20, 2015), BLOG (Nov. 2015), <https://msmagazine.com/2015/11/20/uterus-transplants-and-the-social-pressures-of-biological-motherhood/>.

Procedure Takes Center Stage in Stop-and-Frisk Litigation, SUMMARY JUDGEMENTS, THE LMU LOYOLA LAW SCHOOL FACULTY BLOG (Nov. 18, 2013), <http://summaryjudgments.lls.edu/2013/11/procedure-takes-center-stage-in-stop.html?m=1>.

New York City's Stop-and-Frisk Appeals are Still Alive, BROOKLYN LAW SCHOOL PRACTICUM (Dec. 20, 2013), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2370556.

Motion to Dismiss: From Catcalls to Kisses, Gender Bias in the Courtroom, OBSERVER (Jul. 10, 2013), <https://observer.com/2013/07/women-lawyers-sexism-nyc/>.