

**NICOLE BUONOCORE PORTER**  
Professor of Law  
University of Toledo College of Law  
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## **EDUCATION**

**University of Michigan Law School**, Ann Arbor, MI  
Juris Doctor, *Magna Cum Laude*, Order of the Coif, May 1998  
*University of Michigan Journal of Law Reform*, **Editor in Chief**, Volume 31

### **AWARDS:**

Sarah Honigman Memorial Award, 1997  
Edward H. Rakow Scholarship Award, 1997  
ABA-BNA Award for Excellence in Labor and Employment Law, 1998  
West Publishing Company Award, 1998

**Michigan State University**, East Lansing, MI  
B.A. College of Communication Arts and Sciences, June 1992

## **TEACHING EXPERIENCE**

**University of Toledo College of Law**, Toledo, OH

Professor of Law, June 2010 – present

Associate Dean for Academic Affairs, July 2010 – July 2012

Associate Professor of Law, August 2008 – June 2010

Assistant Professor of Law, June 2007 – August 2008

**Courses:** Employment Discrimination, Criminal Law, Disability Law, Higher Education, Feminist Legal Theory, Contracts I, Education Law, The Americans with Disabilities Act (undergraduate-level course)

### **Awards and Honors:**

- Faculty Club Service Award, 2012: Selected for this university-wide award for “dedication and exceptional service to the University.”
- Labor Law Group Member, 2014: An invitation-only organization of law professors dedicated to producing quality scholarship and teaching materials on labor and employment law. Elected to the Executive Committee of the Labor Law Group effective 2016.
- Outstanding University Woman Award, 2016: Selected for this university-wide award “in recognition of exceptional contributions and achievement.”
- Nominated for the University of Toledo Award for Outstanding Faculty Research and Scholarship, 2016 and 2017.

**University of Denver Sturm College of Law**, Denver CO

Visiting Professor of Law, August 2012 – May 2013

**Courses:** Employment Discrimination, Disability Law, Contracts

**Saint Louis University School of Law, St. Louis, MO**

Assistant Professor of Law, July 2004 – June 2007

**Courses:** Contracts I and II, Employment Discrimination, Disability Discrimination, Feminist Legal Theory

## SCHOLARSHIP

### Books:

- *DISABILITY LAW, CASES AND MATERIALS* (West Academic) (2017), with Stephen Befort (Minnesota).

### Articles/Symposia Pieces/Book Reviews:

- *Cumulative Hardship*, *GEORGE MASON L. REV.* (forthcoming 2018)
- *Mothers with Disabilities*, *BERKELEY J. OF GENDER, LAW & JUSTICE* (forthcoming 2018).
- Invited Submission: Labor Law Group's Conference on the Restatement of Employment Law, *Public Policy and Workers' Rights: Wrongful Discipline Actions and Good Faith Beliefs*, *EMPLOYEE RIGHTS & EMPLOYMENT POLICY LAW JOURNAL* (forthcoming 2018), with Ann McGinley (UNLV).
- *Accommodating Everyone*, 47 *SETON HALL L. REV.* 85 (2016).
- *Special Treatment Stigma After the ADA Amendments Act*, 43 *PEPPERDINE L. REV.* 213 (2016).
- *The Difficulty Accommodating Healthcare Workers*, 9 *ST. LOUIS JOURNAL OF HEALTH LAW & POLICY* 1 (2016) (symposium paper).
- *Susan Martyn: A Role Model*, 47 *TOL. L. REV.* 19 (2015).
- *Withdrawn Accommodations*, 63 *DRAKE L. REV.* 885 (2015) (symposium paper).
- *The New ADA Backlash*, 82 *TENNESSEE LAW REVIEW* 1 (2015).
- *What Disability Means to Me: When the Personal and Professional Collide*, 5 *HLRe: OFF THE RECORD* 101 (2015) (solicited for Houston Law Review's Online Companion).
- *Caregiver Conundrum Redux: The Entrenchment of Structural Norms*, 91 *DENV. L. REV.* 963 (2015) (symposium paper).
- *A Defining Moment: Book Review of DISABILITY & EQUITY AT WORK*, 18 *EMP. RIGHTS & EMP. POL'Y J.* 289 (2015) (solicited book review).
- *Mutual Marginalization: Individuals with Disabilities and Workers with Caregiving Responsibilities*, 66 *FLORIDA L. REV.* 1099 (2014).
  - *Reviewed in Joseph Seiner, Disabilities, Caregiving Responsibilities, and Employer Requirements*, *JOTWELL* (November 19, 2015) (reviewing Nicole Buonocore Porter, *Mutual Marginalization: Individuals with Disabilities and Workers with Caregiving Responsibilities*, 66 *FLORIDA LAW REVIEW* 1099 (2015)), <http://worklaw.jotwell.com/disabilities-caregiving-responsibilities-and-employer-requirements/>.
- *Finding a Fix for the FMLA: A New Perspective, A New Solution*, 31 *HOFSTRA LABOR AND EMPLOYMENT LAW JOURNAL* 327 (2014) (solicited symposium paper).
- *Choices, Bias, and the Value of the Paycheck Fairness Act: A Response Essay*, 29 *ABA J. LAB. & EMP. L.* 429 (2014) (solicited).
- *Women, Unions, and Negotiation*, 14 *NEVADA L. J.* 465 (2014).
- Symposium: Teaching Labor and Employment Law, *A Proposal to Improve the Workplace Law Curriculum from a Corporate Compliance Perspective*, 58 *SAINT LOUIS UNIVERSITY LAW JOURNAL* 155 (2014).

- Symposium: Minding the Gap: Reflections on the Achievement Gap between Men and Women in the Workplace in 2013, *The Blame Game: How the Rhetoric of Choice Blames the Achievement Gap on Women*, 8 FLORIDA INTERNATIONAL UNIVERSITY LAW REVIEW 447 (2013).
- *Martinizing Title I of the Americans with Disabilities Act*, 47 GEORGIA LAW REVIEW 527 (2013).
  - *Reviewed in* Alex B. Long, *What Casey Martin Has To Teach Us About Disability Discrimination In The Workplace*, JOTWELL (August 14, 2013) (reviewing Nicole Buonocore Porter, *Martinizing Title I of the Americans with Disabilities Act*, 47 GEORGIA LAW REVIEW 527 (2013)), <http://worklaw.jotwell.com/what-casey-martin-has-to-teach-us-about-disability-discrimination-in-the-workplace/>.
- *Embracing Caregiving and Respecting Choice: An Essay on the Debate over Changing Gender Norms*, 41 SOUTHWESTERN LAW REVIEW 1 (2011).
- *Debunking the Market Myth in Pay Discrimination Cases*, 12 GEORGETOWN JOURNAL OF GENDER & THE LAW 159 (2011) (with Jessica Vartanian).
- *Relieving (Most of) the Tension: A Review Essay of SAMUEL R. BAGENSTOS, LAW & THE CONTRADICTIONS OF THE DISABILITY RIGHTS MOVEMENT*, 20 CORNELL JOURNAL LAW & PUBLIC POLICY 761 (2011).
- *Synergistic Solutions: An Integrated Approach to Solving the Caregiver Conundrum for “Real” Workers*, 39 STETSON LAW REVIEW 777 (2010) (solicited).
- *Why Care About Caregivers? Using Communitarian Theory to Justify Protection of “Real” Workers*, 58 KANSAS LAW REVIEW 355 (2010).
- *The Perfect Compromise: Bridging the Gap Between At-Will Employment and Just Cause*, 87 NEBRASKA LAW REVIEW 62 (2008).
- *Reasonable Burdens: Resolving the Conflict Between Employees with Disabilities and Their Co-Workers*, 34 FLORIDA STATE LAW REVIEW 313 (2007).
- *Re-Defining Superwoman: An Essay on Overcoming the “Maternal Wall” in the Legal Workplace*, 13 DUKE JOURNAL GENDER LAW & POLICY 55 (2006) (solicited).
- *Victimizing the Abused? IS Termination the Solution When Domestic Violence Comes to Work?*, 12 MICHIGAN JOURNAL GENDER & LAW 275 (2006).
- *A Review of GENDER ON TRIAL: SEXUAL STEREOTYPES AND WORK/LIFE BALANCE IN THE LEGAL WORKPLACE*, 6 U. PA. J. LAB. & EMP. L. 467 (2004) (solicited book review).
- *Sex Plus Age Discrimination: Protecting Older Women Workers*, 81 DENVER UNIVERSITY LAW REVIEW 79 (2003).
- *Marital Status Discrimination: A Proposal for Title VII Protection*, 46 WAYNE LAW REVIEW 1 (2000).

## WORKS IN PROGRESS

- Executive Editor, ABA-BNA EMPLOYMENT DISCRIMINATION TREATISE, 6th Ed.
- Editor, FEMINIST JUDGMENTS: EMPLOYMENT DISCRIMINATION OPINIONS REWRITTEN, with Ann McGinley (UNLV)
- *Disabling Retaliation Claims*
- *The Continued Entrenchment of Structural Norms in the Workplace*
- Solicited Book Review of SUSAN BISOM-RAPP & MALCOLM SARGEANT, LIFETIME DISADVANTAGE, DISCRIMINATION AND THE GENDERED WORKFORCE (Cambridge Univ. Press 2016), will be forthcoming in EMPLOYEE RIGHTS & EMPLOYMENT POLICY LAW JOURNAL.

## SCHOLARLY PRESENTATIONS

- Presenter, *Disabling Retaliation Claims*, Twelfth Annual Colloquium on Labor and Employment Law, Fort Worth, Texas, September 2016
- Southeastern Association of Law Schools Annual Conference, Boca Raton, Florida, August 2017:
  - Organizer, Moderator, and Discussant: Discussion Group: Trends and Developments in Anti-Retaliation Law
  - Invited Discussant: Discussion Group: Employment Law in the Trump Era
  - Invited Discussant: Discussion Group: New and Existing Voices in Labor and Employment Law
- Invited Presenter: Labor Law Group's Conference on the Restatement of Employment Law, presenting *Public Policy and Workers' Rights: Wrongful Discipline Actions and Good Faith Beliefs*, Maurer School of Law, Indiana University, Bloomington, Indiana, November 2016 (with Ann McGinley (UNLV)).
- Invited Presenter, *Mothers with Disabilities*, The U.S. Feminist Judgments Project: Rewriting the Law, Writing the Future, University of Akron School of Law, October 2016.
- Presenter, *Accommodating Everyone*, Eleventh Annual Colloquium on Labor and Employment Law, Seattle, Washington, September 2016.
- Southeastern Association of Law Schools Annual Conference, Amelia Island, Florida, August 2016, Invited Discussant:
  - Discussion Group: Top Developments in Disability Law and Policy
  - Discussion Group: *Fisher v. University of Texas*—Implications for Labor & Employment Law
  - Discussion Group: Works in Progress Workplace Law
- Invited Guest, "This Week in Health Law" Podcast, February 19, 2016.
- Presenter, *Universal Accommodation Mandate to End Mutual Marginalization*, Central States Law Schools Association Conference, Toledo, Ohio, October 2016.
- Southeastern Association of Law Schools Annual Conference, Boca Raton, Florida, August 2015, Invite Discussant:
  - Discussion Group: Too Hot: Appearance Discrimination
  - Discussion Group: Accommodations
  - Discussion Group: New Voices in Labor & Employment Law.
- Invited Presenter, AALS Mid-Year Meeting on "Next Generation Issues on Sex, Gender, and the Law," Plenary Panel on Employment Discrimination, Orlando, Florida, June 2015.
- Invited Presenter, *The Difficulty Accommodating Healthcare Workers*, Symposium, "The ADA at 25: Disability Rights and the Healthcare Workforce," Saint Louis University School of Law, March 2015.
- Invited Presenter, *Withdrawn Accommodations*, Employment Discrimination Panel during the AALS Annual Meeting, January 2015, Washington, D.C.
- Presenter, *The Stigmatic Harm of Special Treatment in the Workplace After the ADAAA*, Ninth Annual Colloquium on Labor & Employment Law, Boulder, Colorado, September 2014.
- Invited Panelist, "The Meaning of Disability," Southeastern Association of Law Schools Annual Conference, Amelia Island, Florida, August 2014.
- Invited Commentator, Workshop on Labor & Employment Law: Discussion Group, New Voices in Labor & Employment Law, Southeastern Association of Law Schools Annual Conference, Amelia Island, Florida, August 2014.
- Invited Presenter, *The New ADA Backlash & Special Treatment Stigma*, Labor Law Group Meeting, Ithaca, New York, June 2014.

- Invited Presenter, *Caregiver Conundrum Redux*, Symposium, Revisiting Sex: Gender & Sex Discrimination Fifty Years After the Civil Rights Act, University of Denver Sturm College of Law, February 2014.
- Selected Presenter from a Call for Papers, *The Exclusionary Effects of Special Treatment Stigma in the Workplace After the ADAAA*, Disability Law Panel during the 2014 AALS Annual Meeting, New York City, January 2014.
- Workshop Presenter, *The New ADA Backlash*, Ohio Northern University College of Law, December 2013.
- Invited Presenter, *Finding a Fix for the FMLA: A New Perspective, A New Solution*, Symposium, Hofstra Labor & Employment Law Journal, Hofstra Law School, November 2013.
- Presenter, *The Next Backlash?: The Reasonable Accommodation Provision after the ADA Amendments Act*, Eighth Annual Labor and Employment Law Colloquium, Las Vegas, September 2013.
- Invited Presenter, *The Blame Game: How the Rhetoric of Choice Blames the Achievement Gap on Women*, Symposium, Minding the Gap: Reflections on the Achievement Gap Between Men and Women in the Workplace in 2013, Florida International University Law School, February 2013..
- Invited Presenter, *A Proposal to Improve the Workplace Law Curriculum from a Corporate Compliance Perspective*, Teaching Labor and Employment Law Symposium, Saint Louis University School of Law, February 2013.
- Invited Presenter, *Women, Unions, Negotiation*, CRIMT 2012 International Conference, Union Futures: Innovations, Transformations, Strategies, Montreal, October 2012.
- Presenter, *Mutual Marginalization*, Seventh Annual Labor and Employment Law Colloquium, Chicago, September 2012.
- Invited Presenter, *Embracing Caregiving and Respecting Choice*, Work-Family Researchers Network Inaugural Conference, New York City, June 2012.
- Invited Presenter, *Disability and Gender: The Common Bond and Diverse Experiences of Individuals with Disabilities and Women with Children in the Workplace*, Symposium: Rebranding Disability Rights Law, Berkeley Law School, Berkeley, California, March 2012.
- Invited Presenter, *Women, Unions, and Negotiation*, Democracy and the Workplace Conference, UNLV Law School, Las Vegas, Nevada, February 2012.
- Presenter, *Martinizing Title I of the Americans with Disabilities Act*, Central States Law Schools Association Conference, Toledo, Ohio, October 2011.
- Presenter, *Martinizing Title I of the Americans with Disabilities Act*, Sixth Annual Colloquium in Labor and Employment Law, Los Angeles, September 2011.
- Invited Presenter, *Debunking the Market Myth in Pay Discrimination Cases*, AALS Workshop on Women Rethinking Equality, Washington, D.C., June 2011.
- Invited Presenter, *Debunking the Market Myth in Pay Discrimination Cases*, AALS Annual Meeting, Women in Legal Education Section, San Francisco, January 2011.
- Presenter, *Paycheck Fairness Act to the Rescue! Precluding the Market Defense and Reviving the Equal Pay Act*, Fifth Annual Labor and Employment Law Colloquium, Washington University in Saint Louis School of Law and Saint Louis University School of Law, September 2010.
- Invited Panelist, *Reconstructing Superwoman: Care and Market Work from a Non-Binary Perspective*, Motherhood: Reclaiming Our Past, Transforming Our Future, University of Denver, March 2010.
- Invited Presenter, *Synergistic Solutions: An Integrated Approach to Solving the Caregiver Conundrum for "Real" Workers*, AALS Annual Meeting New Law Professors Section, New Orleans, January 2010.

- Presenter, *Synergistic Solutions: An Integrated Approach to Solving the Caregiver Conundrum for “Real” Workers*, Fourth Annual Colloquium in Labor and Employment Law, Seton Hall Law School, September 2009.
- Workshop Presenter, *Why Care About Caregiving? Using Communitarian Theory to Justify Protection of Real Workers*, Indiana University School of Law—Indianapolis, February 2009.
- Presenter, *Why Care About Caregiving?: Using Communitarian Theory to Justify Protection of Real Workers*, Ohio Legal Scholars Workshop, The Ohio State University Moritz College of Law, January 2009.
- Presenter, *Why Care About Caregiving?: Using Communitarian Theory to Justify Protection of Real Workers*, Third Annual Colloquium in Labor and Employment Law, University of San Diego School of Law and California Western School of Law, October 2008.
- Presenter, *A Foursome of Flaws: Identifying the Four Most Common Errors Made in Proposals to Remedy Caregiver Discrimination*, Second Annual Colloquium in Labor and Employment Law, University of Denver, Sturm College of Law and University of Colorado Law School, October 2007.
- Presenter, *The Employment Termination Equity Act: Finding a Compromise Between Employment At-Will and Just Cause*, Labor and Employment Law Colloquium, Marquette University Law School, October 2006.
- Panelist, Plenary Panel: Jay Healey Teaching Session, “Clashing Perspectives in the Classroom,” 30<sup>th</sup> Annual Health Law Teachers Conference, June 2006.
- Presenter, *Reasonable Burdens: Resolving the Conflict Between Employees with Disabilities and Their Co-Workers*, Jurisgenesis: New Voices on the Law, Washington University, June 2006.
- Panelist, *Stuck in the Middle . . . Is There a Compromise Between Employment At-Will and Just Cause Terminations?*, International Contracts Conference, Texas Wesleyan University School of Law, February 2006.
- Workshop Presenter, *The Reasonableness of Equal Opportunity Under the Americans with Disabilities Act*, University of Missouri Law School, February 2006.

## PRESS MENTIONS/APPEARANCES

- Interviewed regarding sexual harassment and the #metoo movement:
  - NBC 24 (Toledo), November 30, 6:00 News
  - 13 ABC (Toledo), November 29, 5:00 News
  - 13 ABC (Toledo), November 22, 6:00 News (anchor story)
- Quoted in Matt Cullen, *GW Seeks dismissal of sex discrimination charges in athletic department*, THE GW HATCHET, November 13, 2017
- Quoted in Jon Steingart, *Schools’ Use of Salary History in Setting Pay to Get Second Look*, BLOOMBERG LAW, August 30, 2017
- Nicole Buonocore Porter, *Room for Debate, Salary Negotiations Often Preclude Women from Equal Pay*, N.Y. TIMES, August 15, 2016.
- My article, *Women, Unions, and Negotiation* cited in Jonathan Timm, *A Labor Movement That’s More About Women*, THE ATLANTIC, August 25, 2016
- Quoted in Rebekah Mintzer, *States Look to Give Teeth to National Pay Equity Legislation*, THE NATIONAL LAW JOURNAL, October 24, 2016.

## COMMUNITY SERVICE

- Law & the #MeToo Movement: A collaboration of nationally known law professors engaged in efforts to explore the legal dimensions of harassment for the #metoo movement.

- Presenter, Lucas County Bar Association Meeting, “Disability Law After the ADA Amendments Act,” September 2013.
- Panelist, “Stand Your Ground, A Feminist Perspective,” Toledo, Ohio, September 2013.
- Presenter, Toledo Women’s Bar Association CLE, “From Classroom to Courtroom: Keeping Current on Legal Trends with Toledo Law Faculty: Caregiver Discrimination and Hot Topics in Employment Law,” May 2011.
- Member of the Sexual Harassment Task Force, University of Toledo, 2010-2012.
- Guest Speaker, Toledo Bar Association Labor & Employment Law Committee’s Annual Dinner, June 2009.
- Member of Toledo Women’s Bar Association
- Keynote Speaker, The First 100 Years Women at Saint Louis University Speaker Series, Work/Life Balance and Its Challenges, September 2008.
- Panelist, “The Glass Ceiling, Sticky Floor, Maternal Wall, and Other Barriers to Advancement,” Midwest Regional Conference for Women in the Law, June 2006.
- Moderator, Employment Discrimination Update, Midwest Regional Conference for Women in the Law, June 2006.
- Guest Speaker, Work/Life Balance Solutions, sponsored by The Women Lawyers Association of Greater St. Louis, May 2006.
- Member of Planning Committee for the 2006 Midwest Regional Conference for Women in the Law, sponsored by the Women Lawyers Association of Greater St. Louis, 2005-2006.
- Member of the Advisory Committee for the Women Studies Program, Saint Louis University, 2005-2006.

## **PRACTICE EXPERIENCE**

**Guardian Industries, Corp.**, Auburn Hills, MI  
**Corporate Counsel**, August 2002 – June 2004

**Butzel Long**, Detroit, MI  
**Associate**, August 1999 – August 2002

**Judge Ryan, U.S. Court of Appeals for the Sixth Circuit**, Detroit, MI  
**Judicial Clerk**, June 1998 – August 1999