

# RYAN H. NELSON

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## ACADEMIC EXPERIENCE

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

*Assistant Professor of Law* (August 2021–present)

- Courses: Civil Procedure I & II; Employment Law; Employment Discrimination
- Service: Chair, Student Retention Committee (2023–present); Chair, Electronic Access Subcommittee, Diversity, Equity, & Inclusion Committee (2021–2022); Member, Faculty Scholarship Committee (2021–present); Member, Access to Justice and Public Service Committee (2022–present); Member, Curriculum Committee (2022–2023); Member, Grades and Calendar Committee (2021–2022)

### **Harvard Law School, Cambridge, MA**

*Research Associate*, Harvard Law School Project on Disability (August 2020–July 2021)

### **Boston University School of Law, Boston, MA**

*Lecturer* (April 2020–May 2021)

- Courses: Client Counseling

### **New England Law | Boston, Boston, MA**

*Lecturer on Law* (July 2020–June 2021)

- Courses: Employment Law; Sexual Orientation, Gender Identity, and the Law

### **New York Law School, New York, NY**

*Adjunct Professor of Law* (August 2017–August 2019)

- Courses: Employment Law; Employee Relations and Anti-Discrimination Law

## EDUCATION

### **Harvard Law School, Cambridge, MA**

LL.M., May 2020

- Scholarships: Harvard University Committee on General Scholarships Award, Phi Sigma Kappa Terrill Graduate Fellowship
- Honors: Irving Oberman Memorial Prize for Best Paper on Law and Social Change

### **Benjamin N. Cardozo School of Law, New York, NY**

J.D., *cum laude*, May 2011

- Scholarships: Dean's Merit Scholarship
- Honors: Jacob Burns Medal for Outstanding Moot Court Achievement; Finalist, Langfan Family Constitutional Oratorical Competition; Finalist, Irving R. Kaufman Moot Court Competition; Finalist, Monrad G. Paulsen Intramural Moot Court Competition; Equal Justice Works Summer Corps
- Leadership: Editorial Board, Moot Court Honor Society
- Concentrations: Constitutional Law & Rights, General Litigation

### **University of Florida, Gainesville, FL**

B.S.B.A., Major in Economics, December 2007

- Scholarships: National Merit Scholarship, Florida Bright Futures Scholarship

- Honors: Academic Dean's List, Outstanding Leadership Award for Graduating Seniors, University Presidential Recognition, Omicron Delta Epsilon (international economics honor society), Order of Omega (Greek honor society), Phi Sigma Kappa Brother of the Year
- Leadership: Co-founder & Chair, Action Party (student government political party dedicated to voting reform); Student Senator; Finance Committee Chair, Student Union Board of Managers; President & Philanthropy Chair, Phi Sigma Kappa; Team Captain, American Cancer Society's Relay for Life

## PUBLICATIONS

### Articles, Essays, & Book Reviews

*Work Discrimination Law's Exclusions*, working article

*Political Partisanship and Union Representation Elections*, working essay

*Queer Accommodations*, 28 EMP. RTS. & EMP. POL'Y J. \_\_\_\_ (forthcoming 2024)

[\*An Employment Discrimination Class Action by Any Other Name\*](#), 91 FORDHAM L. REV. 1425 (2023)

[\*Workplace Harasser Liability: Assailing Moral Hazards and Rehabilitating the Individualist Approach\*](#), 89 TENN. L. REV. 957 (2022)

[\*Ability Apartheid and Paid Leave\*](#), 120 MICH. L. REV. 1247 (2022) (reviewing PAUL DAVID HARPUR, ABLEISM AT WORK: DISABLEMENT AND HIERARCHIES OF IMPAIRMENT (2020)) (with Michael Ashley Stein)

[\*Substantive Pay Equality: Tips, Commissions, and How to Remedy the Pay Disparities They Inflict\*](#), 40 YALE L. & POL'Y REV. 149 (2021)

- Winner of the 2020 Harvard Law School Irving Oberman Memorial Prize for Best Paper on Law and Social Change

[\*Now and Again: Reappraising Disability Leave as an Accommodation\*](#), 46 BYU L. REV. 1489 (2021)

[\*Homegrown Discrimination\*](#), 12 CAL. L. REV. ONLINE 1 (2021)

[\*Ability Diversity in the First-Year Law School Classroom\*](#), 71 J. LEG. EDUC. 202 (2021) (published in 2023) (reviewing INTEGRATING DOCTRINE AND DIVERSITY: INCLUSION AND EQUITY IN THE LAW SCHOOL CLASSROOM (Nicole P. Dyszlewski et al. eds. 2021)) (with Michael Ashley Stein)

[\*Erasing Workers' Identities: Comment on Blanck, Hyseni, and Altunkol Wise's National Study of the Legal Profession\*](#), 47 AM. J. L. & MED. 71 (2021) (with Michael Ashley Stein)

[\*Feminist Perspectives on Bostock v. Clayton County\*](#), 53 CONN. L. REV. ONLINE 1 (2020) (with Ann C. McGinley, Nicole Buonocore Porter, Danielle Weatherby, Pamela Wilkins, & Catherine Jean Archibald)

[\*Federalizing Direct Paid Leave\*](#), 20 U. PA. J. BUS. L. 623 (2018)

[\*A Diverse Student Body Without Student Bodies?: Online Classrooms and Affirmative Action\*](#), 2016 PEPP. L. REV. 65 (2016)

[\*Sexual Orientation Discrimination Under Title VII After Baldwin v. Foxx\*](#), 72 WASH. & LEE L. REV. ONLINE 255 (2015)

- Cited in *Winstead v. Lafayette Cty. Bd. of Cty. Comm'rs*, 197 F. Supp. 3d 1334 (N.D. Fla. 2016)

[\*Breaking the Bank: Why FDIC and NCUA Deposit Insurance Coverage Fails to Trigger OFCCP's Jurisdiction\*](#), 14 FLA. ST. U. BUS. REV. 53 (2015)

[\*Marriage Equality and the Third Nail in the "Proceed with Caution" Coffin\*](#), 90 N.Y.U. L. REV. ONLINE 17 (2015)

[\*An Indirect Challenge to the FDA's "Gay Blood Ban"\*](#), 23 TUL. J. L. & SEXUALITY 1 (2014)

[\*Windsor in the Workplace: Examining an Employer's Right to Demand More of Gay Employees Who Request FMLA Leave\*](#), 118 PA. ST. L. REV. PENN STATIM 1 (2013)

[\*Injury in Fiction\*](#), 66 VAND. L. REV. EN BANC 153 (2013)

[\*The Pivotal Role of Human Resources in Business Management: The 1980s to the Present\*](#), 40 EMP. REL. TODAY 33 (2013) (with Christopher M. Valentino & John J. Porta)

[\*Affirmative Action for LGBT Applicants & Employees: A Proposed Regulatory Scheme\*](#), 30 HOFSTRA J. LAB. & EMP. L. 179 (2012)

### **Book Chapters**

*Rewritten Opinion in Hively v. Ivy Tech Community College*, 853 F.3d 339 (7th Cir. 2017) (*en banc*), in [FEMINIST JUDGMENTS: REWRITTEN EMPLOYMENT DISCRIMINATION OPINIONS](#) (Ann C. McGinley & Nicole Buonocore Porter eds. 2020)

*Labor Arbitration*, in [GENDER IDENTITY & SEXUAL ORIENTATION DISCRIMINATION IN THE WORKPLACE: A PRACTICAL GUIDE](#) (Christine Michelle Duffy ed. 2014) (with David G. Islinger & Michelle E. Phillips)

### **Shorter Pieces**

[\*Respect for Marriage Act Leaves Too Large a Loophole\*](#), LAW360 (Dec. 5, 2022) (with Edward Stein)

[\*Agency Names Do Not Constrain Agency Powers\*](#), HARV. L. & POL'Y REV. BLOG (Oct. 16, 2022)

[\*Oust Guns from Your Workplace\*](#), HOUSTON CHRONICLE (June 9, 2022)

[\*The One Thing the Dissenting Justices Could Do to Save Roe\*](#), SLATE (June 1, 2022)

[\*More Just, More Efficient Workplace Regulation\*](#), JOTWELL (2022) (reviewing Hiba Hafiz, [\*Interagency Coordination on Labor Regulation\*](#), 6 ADMIN. L. REV. ACCORD 199 (2021))

[\*Biden's Workplace Vaccine Mandates Don't Go Far Enough\*](#), HOUSTON CHRONICLE (Sept. 14, 2021)

[\*A Primer on Remedial Workplace Affirmative Action\*](#), ON LABOR BLOG (2020)

[\*The Shortcomings of Proposals for an Indexed, Living Minimum Wage\*](#), ON LABOR BLOG (2020)

[\*Wielding the Census to Decimate Workplace Diversity for Decades to Come\*](#), HARV. C.R.-C.L. L. REV. AMICUS BLOG (2018)

[U.S. Supreme Court Rules Legally-Married Same-Sex Spouses Entitled to Federal Recognition and Lifts California Ban on Same-Sex Marriages](#), LEXOLOGY (2013) (with Michelle E. Phillips et al.)

[Dispelling the Top 3 Intern Compensation Myths](#), NY METRO LGBT BUSINESS NEWS BLOG (2013)

### ***Amicus Curiae Briefs***

Co-author of [Brief of Employment Discrimination Law Scholars as Amici Curiae in Support of the Employees](#), *Bostock v. Clayton Cty.*, 140 S. Ct. 1731 (2020) (Nos. 17-1618, 17-1623, 18-107)

Co-author of [Brief of the American Association for Affirmative Action as Amicus Curiae in Support of Respondents](#), *Fisher v. Univ. of Tex.*, 133 S. Ct. 2411 (2013) (No. 11-345)

### **PROFESSIONAL EXPERIENCE**

**MetLife**, New York, NY

*Corporate Counsel*, Employment Law Unit (April 2016–August 2019)

*Chief of Staff to SVP & Chief Counsel, Litigation* (July 2016–January 2017)

*Assistant Corporate Counsel*, Employment Law Unit (March 2014–March 2016)

**Jackson Lewis P.C.**, Melville, NY

*Associate Attorney*, Affirmative Action Compliance and OFCCP Defense Practice Group, General Employment Litigation Practice Group (December 2011–February 2014)

**Legal Aid Society**, New York, NY

*Public Interest Fellow*, Employment Law Unit (August 2011–December 2011)

*Legal Intern*, LGBT Law & Policy Initiative, Juvenile Rights Practice (January 2011–May 2011)

**Progressive States Network**, New York, NY

*Legal Analyst*, Workers' Rights Project (August 2011–November 2011)

**U.S. Equal Employment Opportunity Commission**, New York, NY

*Legal Intern*, Litigation Unit, New York District Office (August 2010–December 2010)

**National Center for Law and Economic Justice**, New York, NY

*Legal Intern* (January 2010–August 2010)

**U.S. District Court for the District of New Jersey**, Newark, NJ

*Judicial Intern*, Hon. William J. Martini (June 2009–August 2009)

**Fredric G. Levin College of Law, University of Florida**, Gainesville, FL

*Research Assistant*, Prof. Michael L. Seigel (January 2007–May 2007)

### **SELECTED PRESENTATIONS**

*Queer Accommodations*

- 2024 *All About Accommodations* Symposium, Martin H. Malin Institute for Law and the Workplace, Chicago-Kent College of Law (scheduled)

*New and Emerging Voices in Workplace Law* [Moderator]

- 2024 Association of American Law Schools Annual Meeting, Employment Discrimination Section's Works-in-Progress Program (scheduled)

*Work Discrimination Law's Exclusions*

- 2023 Colloquium on Scholarship in Employment and Labor Law, University of Minnesota Law School (scheduled)

*State Regulations of Transgender Surgery for Minors*

- 2023 Debate Co-Hosted by AMICUS at STCL Houston and STCL Federalist Society (scheduled)

*LGBT Law: Federal, State, and Legislative Update* [Moderator]

- 2023 Texas State Bar Annual Meeting, LGBT Law Section Program

*Making a Career Working for LGBTQ+ Rights*

- 2023 Alumni Panel at Benjamin N. Cardozo School of Law, Yeshiva University

*An Employment Discrimination Class Action by Any Other Name*

- 2023 Association of American Law Schools Annual Meeting, Employment Discrimination Law Section's Main Program
- 2022 Colloquium on Scholarship in Employment and Labor Law, Vanderbilt Law School
- 2022 Association of American Law Schools Employment Discrimination Law Summer Workshop
- 2022 Southeastern Association of Law Schools Annual Meeting, New Scholars Workshop

*OAG Opinion KP-0401 and What It Means for Our Community*

- 2022 Event Co-Hosted by AMICUS at STCL Houston and ACLU South Texas College of Law Houston

*Bostock and the Future of Workplace Discrimination*

- 2021 Event Co-Hosted by AMICUS at STCL Houston and STCLH Women's Law Society

*Textualism and Title VII*

- 2021 Colloquium on Scholarship in Employment and Labor Law, Vanderbilt Law School

*Increasing Diversity, Equity, & Inclusion in Our Chapters*

- 2022 Presentation for Phi Sigma Kappa Fraternity's Undergraduate Officers and Regional Advisors
- 2021 Presentation for Phi Sigma Kappa Fraternity's Undergraduate Members and Chapter Advisors

*Diversity and Inclusion in the Job Search*

- 2021 Presentation for the T.W. Lewis Center for Personal Development at Barrett, The Honors College at Arizona State University

*Workplace Harasser Liability: Assailing Moral Hazards and Rehabilitating the Individualist Approach*  
(formerly *A Deterrence-Based Framework for Workplace Law Liability*)

- 2022 Southeastern Association of Law Schools Annual Meeting, New Labor & Employment Law Scholars Panel
- 2022 Presentation to the University of Houston law Center faculty
- 2020 Colloquium on Scholarship in Employment and Labor Law, Louis D. Brandeis School of Law, University of Louisville

*Paid Leave, Tax Credits, & Other Employer COVID-19 Considerations*

- 2020 Webinar for Small Businesses on Behalf of Lumity, Inc.

*Accommodating Employee Leave*

- 2019 Colloquium on Scholarship in Employment and Labor Law, William S. Boyd School of Law, University of Nevada, Las Vegas

*Accommodating Change: Pregnancy, Lactation, and Marijuana Accommodation in the Modern Workplace*

- 2019 Benjamin N. Cardozo School of Law Labor & Employment Law Alumni Group CLE Presentation

*Rewritten Opinion in Hively v. Ivy Tech Community College, 853 F.3d 339 (7th Cir. 2017) (en banc), in FEMINIST JUDGMENTS: REWRITTEN EMPLOYMENT DISCRIMINATION OPINIONS*

- 2019 Law and Society Association Annual Meeting
- 2018 Writing Workshop for FEMINIST JUDGMENTS: REWRITTEN EMPLOYMENT DISCRIMINATION OPINIONS, William S. Boyd School of Law, University of Nevada, Las Vegas

*Modern Gender Issues in U.S. Insurance*

- MetLife U.S. Insurance Law Section's 2019 Annual Meeting

*Wage Parity and Customer Preference*

- 2018 Colloquium on Scholarship in Employment and Labor Law, University of South Carolina School of Law

*Employment Law Updates for New York City Agencies*

- 2018 New York City Agencies' General Counsel Forum, New York Law School

*Beyond the Bathroom: Best Practices for Transgender Inclusion in the Workplace*

- 2018 Nukk-Freeman & Cerra, P.C. CLE Day

*LGBT Youth in Schools, Transgender Issues, and Sexuality and the Military*

- Substitute Professor in Prof. Alphonso David's Spring 2016 course, *Sexual Orientation and the Law*, at Benjamin N. Cardozo School of Law

*Millennials in the Workplace*

- 2016 Jackson Lewis Women's Employment Law Conference

*Trends in Employment, Labor, and Benefit Laws*

- 2015 National LGBT Bar Association's Lavender Law Conference

*Preserving Your Company's Insurance Claim*

- 2014 National LGBT Bar Association's Lavender Law Conference

*Implementing and Leveraging Self-Identification as a Method for Driving Change*

- 2015, 2014, and 2013 Out & Equal Workplace Summits

*Remedies for Sexual Orientation Discrimination in the Workplace: What Is and What Could Be*

- Sexual Citizenship and Human Rights: What Can the US Learn from the EU and European Law?, 2013 Conference, University of Texas School of Law

*Accommodating Religion and Sexual Orientation in the Workplace*

- 2013 and 2012 Out & Equal Workplace Summits

*Same-Sex Marriage, Drugs, and Immigration: A Recap of State Referenda in the 2012 Election*

- 2013 American Bar Association Midyear Meeting

## **MEDIA APPEARANCES**

John Wayne Ferguson, [\*Texas Agriculture Employees Told to Dress Based on 'Biological Gender'\*](#), HOUSTON CHRONICLE (Apr. 26, 2023)

Allison P. Erickson, [\*After Being Illegally Fired, A Disabled Veteran Has Waited Eight Years for a \\$1 Million Settlement From the Air Force\*](#), TEXAS TRIBUNE (Sept. 21, 2022)

Max Kutner, [\*Inflation Is Sending State Wage Floors Above \\$15 an Hour\*](#), LAW360 (June 8, 2022)

[\*What Does Florida's Parental Rights in Education Law Really Mean?\*](#), FOX 26 HOUSTON (Apr. 6, 2022)

Maria Jimenez Moya, [\*Is the Whopper Too Small? Lawsuit Accuses Burger King of False Advertisement of Food Size\*](#), USA TODAY (Apr. 5, 2022)

[\*Will Texas Investigate Treatments for Trans Youth as Child Abuse?\*](#), FOX 26 HOUSTON (Feb. 24, 2022)

## **HONORS & LEADERSHIP**

### South Texas College of Law Houston

- Student Bar Association Awards (voted on by the student body)
  - o Professor Excellence Award – Full-time Faculty (awarded to one full-time professor annually) (2023)
  - o Professor Excellence Award – Open-Door Award (awarded to one professor annually) (2022)
- Administration Awards (voted on by the administration)
  - o AALS Teacher of the Year (awarded to four full-time professors annually) (2022)

### National LGBTQ+ Bar Association & Foundation

- At-Large Board Member, National LGBTQ+ Bar Foundation Board of Directors (2023–present)
  - Member, Membership Advisory Committee (2023–present)
- *40 Best LGBTQ+ Lawyers under 40* Award (2013)

### Association of American Law Schools (AALS)

- Employment Discrimination Law Section (2021–present)
  - o Chair (2023–present)
  - o Secretary (2022–2023)
- Civil Procedure Section (2021–present)
- Labor Relations and Employment Law Section (2021–present)
- Sexual Orientation and Gender Identity Issues Section (2021–present)
- New Law Professors Section (2021–present)

### State Bar of Texas

- Council Member, LGBT Law Section (2022–present)

### Phi Sigma Kappa Fraternity

- Member, National Diversity, Equity, & Inclusion Committee (2020–2023)
  - o Chair, Education & Programming Subcommittee (2021–2023)
- Terrill Graduate Fellowship (2019)

#### Harvard Law School

- Irving Oberman Memorial Prize for Best Paper on Law & Social Change (2020)

#### MetLife

- Chair, MetLife Transgender Initiative Taskforce (2014)
- Global Diversity & Inclusion Recognition (2014)

#### American Bar Association (ABA)

- Young Lawyers Division's Liaison to the ABA Commission on Sexual Orientation and Gender Identity (2012–2014)

### **PRO BONO & COMMUNITY SERVICE**

#### One Fair Wage

- Represented non-profit organization seeking redress against a national restaurant operator allegedly causing its employees paid a subminimum wage to suffer more and worse sexual harassment because of sex and employees of color to receive less in tips than white employees because of race (2020–present)

#### Immigration Equality

- Represented indigent LGBTQ+ individuals seeking asylum in the United States based upon their fear of persecution in their home countries because of their sexual orientation or gender identity (2014–2019)

#### Children's Healthcare Is a Legal Duty (CHILD) USA

- Served as pro bono labor and employment law counsel for non-profit organization seeking to end child abuse and neglect through evidence-based research and legal advocacy (2016–2019)

#### LeGaL: The LGBT Bar Association of Greater New York

- Contributing author to *LGBT Law Notes* (2017–2019)
- Served as a volunteer attorney at the free, bimonthly legal clinic at the Lesbian, Gay, Bisexual, and Transgender Community Center in Manhattan (2014–2016)

#### Advance Housing

- Prepared affirmative action plan for non-profit organization that provides affordable, consumer-friendly housing for individuals with a disability (2013)

#### Connecticut Veterans' Legal Center

- Assisted veteran with mental health issues seek reinstatement of his driver's license so he could drive to and from work (2013)

#### Young Professionals for Economic Justice

- Performed mock employment interviews and resume reviews for women living in domestic abuse shelters at Women in Need, Inc. (2012)

### **BAR ADMISSIONS**

Supreme Court of the United States

U.S. Court of Appeals for the Ninth Circuit

U.S. District Court for the Southern District of New York

U.S. District Court for the Eastern District of New York



New York  
Texas

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