

## ELIOT T. TRACZ

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### Teaching Appointments

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#### New England Law Boston (Boston, MA)

Assistant Professor 2024 - Present

Faculty Fellow 2022 - 2024

- Courses Taught: Property I; Property II; Sexual Orientation, Gender Identity, and the Law; Intellectual Property; Law and Economics; Perspectives: Software and the Law
- Service: Taskforce on the Lawyering Experience (2022-2023); Curriculum Committee (2023- Present); Faculty Development Committee (2023- Present)
- Faculty Advisor: Space Law Society, If/When/How

#### Mitchell Hamline School of Law (St. Paul, MN)

Adjunct Professor 2020 - 2021

- Courses Taught: Legal Research, Analysis and Writing

Research Interests: LGBTQ Rights, Statutory Interpretation, Law of Democracy (emphasis on political parties and primary elections)

Teaching Interests: Property, Sexual Orientation, Gender Identity, and the Law, Law & Economics, Law & Democracy

### Education

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#### DePaul University College of Law

Juris Doctor 2016

Honors: Fellow of DePaul Health Law Institute

Activities: Phi Alpha Delta, DePaul Journal of Health Care Law

#### Coe College

Bachelor of Arts, Political Science 2010

Activities: Men's Soccer, Army ROTC, Political Science Club

### Publications

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#### Scholarly Publications

1. Eliot T. Tracz, *The Once and Future Queer Relationship*, 52 N. Ky. L. Rev. \_\_ (2025) (Forthcoming).

2. Eliot T. Tracz, *Censorship and Book Bans: Two Non-Constitutional Arguments Against Queer Erasure*, 52 Hofstra L. Rev. \_\_ (2024) (Forthcoming).
3. Eliot T. Tracz, *Gender. Identity. Property?*, 35 UC SF J. Gender & Justice 155 (2024).
4. Eliot T. Tracz, *Drag: Art. Obscenity. Crime*, 23 Conn. Pub. Int. L. J. 46 (2024).
5. Eliot T. Tracz, *Medical Revolt and the Abandonment of the Dutch Protocol: Comparative Views on the Provision of Gender Affirming Care to Children*, 34 Ind. Int'l & Comp. L. Rev. 127 (2024).
6. Eliot T. Tracz, *Queer: Litigating Gender Non-Conformity*, 32 Amer. U. J. Gender, Soc. Pol'y and L. \_\_ (Forthcoming) (2023).
7. Eliot T. Tracz, *Markets, Regulation, and Inevitability: The Case for Property Rights in Outer Space*, 30 U. Miami Int'l & Comp. L. Rev. 42 (2023).
8. Eliot T. Tracz, *The Inscrutable Bisexual: An Essay on Bisexuality and Immutability*, 21 Seattle J. Soc. Just. 917 (2023).
9. Eliot T. Tracz, *Textualism and the Living Constitution*, 60 Idaho L. Rev. 243 (2024).
10. Eliot T. Tracz, *Words and Their Meanings: The Role of Textualism in the Progressive Toolbox*, 45 Seton Hall Leg. J. 355 (2021).
11. Eliot T. Tracz, *What Next for the Indirect Purchaser Rule?*, 51 Cumberland L. Rev. 43 (2020).
12. Eliot T. Tracz, *Towards a Preamble Based Theory of Constitutional Interpretation*, 56 Gonzaga L. Rev. 95 (2020).
13. Eliot T. Tracz, *Three Strikes and You Pay: Does the Prison Litigation Reform Act's Three Strikes Provision Allow Prisoners to Appeal Their Third Strike In Forma Pauperis?*, 95 U. North Dakota L. Rev. 263 (2020).
14. Eliot T. Tracz, *Doctrinal Evolution and the Right Against Self-Incrimination*, 18 U. N. H. L. Rev. 109 (2019).
15. Eliot T. Tracz, *Mentally Ill, Or Mentally Ill and Dangerous? Re-Thinking Civil Commitments in Minnesota*, 40 Mitchell Hamline J. Pub. Pol'y & Prac. 121 (2019).
16. Eliot T. Tracz, *Separation of Powers as Grounds for Interlocutory Appeals*, 49 Cumberland L. Rev. 307 (2019).
17. Eliot T. Tracz, *Revisiting the Right to a Speedy Trial: Reconciling the Sixth Amendment and the Speedy Trial Act*, 47 Capital U. L. Rev. 1 (2019).
  - Cited by *El PUEBLO de Puerto Rico v. Christian MARTÍNEZ HERNÁNDEZ*, 2022 WL 715192 \*20 (P.R.) (Colon Perez, J. dissenting).

18. Eliot T. Tracz, *Is Natural Law A Public Good?*, 25 *Cardozo J. of Equal Rights and Soc. Justice* 43 (2018).
19. Eliot T. Tracz, *Forum Shopping: Defensive Abuse of Intrastate Forum non Conveniens*, 59 *S. Tex. L. Rev.* 421 (2018).
  - o Cited by *José V. RODRÍGUEZ RODRÍGUEZ v. MUNICIPIO DE VEGA BAJA*, 2019 WL 7758582 \*6 (TCA).
20. Eliot T. Tracz, *Half-Truths, Empty Promises, and Hot Coffee: The Economics of Tort Reform*, 42 *Seton Hall Leg. J.* 311 (2018).
21. Eliot T. Tracz, *Holmes, Doctrinal Evolution, and Premises Liability: A Perspective on Abolishing the Invitee-Licensee Distinction*, 42 *T. Marshall L. Rev.* 95 (2018).
22. Eliot T. Tracz, *Lies, Liars, Lawyers and Liability: An Argument Towards Holding Attorneys Accountable for Violating the Model Rule of Professional Conduct 8.4(c) Whilst Acting in a Legislative Role*, 42 *S. Ill. U. L. J.* 451 (2018).
23. Eliot T. Tracz, *Discrimination and the Limits of Textualism*, 6 *Ind. J. of L. and Soc. Equality* 33 (2018).
24. Eliot T. Tracz, *Doctrinal Evolution and the Living Constitution*, 42 *U. Dayton L. Rev.* 257 (2018).
25. Eliot T. Tracz, *Do Good Fences Make Good Neighbors?: An Economic Approach to the Common Heritage Problem in Outer Space*, 16 *Issues in Aviation L. & Pol'y*, 121 (2016).
26. Eliot T. Tracz, *Discharging the Dinosaur: Is the Time of the Brunner Test Past?*, 3 *Bus. & Bankr. L.J.* 229 (2016).
27. Mark T. Smith et al, *Recent Developments in Medicine & Law*, 49 *Tort Trial & Ins. Prac. L.J.*, 325 (2013).

#### Professional Publications

1. Eliot T. Tracz, *Three Ways to Improve Your Brief*, 78-APR *Bench & Bar* 12 (2021).
2. Eliot T. Tracz, *Discovery* 78- Sept. *Bench & Bar* 10 (2021).
3. Eliot T. Tracz, *Illinois Supreme Court Weighs in on Applicability of Discovery Rule in Wrongful Death Cases Involving Medical Malpractice*, 19 *Trial Journal* 40 (2017).

#### Op-eds and Other Media

1. Eliot T. Tracz, *Censorship, Lowest Cost Avoiders, and Common Sense*, *New England Law Boston Faculty Blog*

2. Eliot T. Tracz, *What People Are Getting Wrong About the Supreme Court's "First Amendment Right to Discrimination" Ruling*, The Messenger July 20, 2023.
3. Eliot T. Tracz, *The law failed the victims of the Club Q shooting: Here are 3 ways we can honor their memory*, The Hill Nov. 26, 2022.
4. Eliot T. Tracz, *Politics Aside, the Unsealing of the Mar-a-Lago Search Warrant is a Victory for the Rule of Law*, The Hill, Aug. 16, 2022.

### Works in Progress

1. *Anti-Democracy: Ballot Access and the Two-Party System* (forthcoming).
2. *Property Problems in the New Non-Marriage: Inheritance* (forthcoming).

## **Presentations & Panels**

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### Symposia, Conferences, & Colloquia

#### *The Once and Future Queer Relationship*

- Northern Kentucky Law Review, Symposium Obergefell v. Hodges: Ten Years Later (Scheduled for March 20, 2025, Highland Heights, KY)

#### *Property Problems in the New Non-Marriage: Inheritance*

- Drexel Law Review Inheritance Inequality Symposium (Invited Panelist) (Scheduled for September 27-28, 2024, Philadelphia, PA)

#### *Book Bans and Censorship: Three Arguments Against Queer Erasure*

- Junior Faculty Colloquium, New England Law Boston (February 23, 2024, Boston, MA)

#### *Drag: Art. Obscenity. Crime.*

- AALS Annual Conference, Sexual Orientation & Gender Identity Section Panel: Legislative Attacks on the LGBTQ Community (January 5, 2024, Washington, DC)

#### *Medical Revolt and the Abandonment of the Dutch Protocol: Comparative Views on the Provision of Gender Affirming Care to Children*

- Indiana International & Comparative Law Review Symposium on Building LGBTQ+ Inclusive Legal Systems (Invited Panelist) (November 3, 2023, Zoom)

#### *Markets, Regulation, and Inevitability: The for Case Property Rights in Outer Space*

- Junior Faculty Colloquium, New England Law Boston (November 4, 2022, Boston, MA)

### Panels & Presentations

- Panelist, Bi+ Health and Wellbeing, Duke Sexual and Gender Minority Wellness Program, Duke University (September 19, 2023)
- Panelist, Beyond Visibility, Los Angeles Bi Task Force (March 16, 2023)
- Panelist, Evening Students Alumni Panel, DePaul University (February 16, 2020)
- Panelist, Evening Students Alumni Panel, DePaul University (October 10, 2020)
- Panelist, Evening Students Alumni Panel, DePaul University (October 8, 2022)
- Panelist, Evening Students Alumni Panel, DePaul University (October 16, 2022)
- Presenter, "Sexual Harassment in the Workplace"
- Cedar Rapids Police Department September 2010
  - Cedar Rapids Department of Human Resources September 2010

## Legal Experience

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### **Office of Gov. Walz & Lt. Gov. Flanagan (St. Paul, MN)**

Associate General Counsel 2022

- Reviewed all Housing and Education Bond issuance requests.
- Acted as point of contact for legal matters involving Department of Agriculture, Department of Natural Resources, and Minnesota Pollution Control Agency.
- Reviewed and provided guidance on applications for Pardon or Commutation.
- Reviewed and approved all extradition requests.
- Responsible for legal matters involving Tribal-State Relations.

### **Dunlap & Seeger, P.A. (Rochester, MN)**

Associate Attorney 2021

- Litigated all stages of landlord/tenant disputes, real estate cases, eminent domain proceedings, and trademark infringement.
- Provided counsel to several churches challenging their designation as local landmarks.
- Handled all intake and prosecution of trademark applications.

### **Minnesota 3<sup>rd</sup> Judicial District (Rochester, MN)**

Law Clerk to Hon. Kathy Wallace 2018 - 2021

- Researched legislation, case law, and administrative regulations in order to recommend outcomes in open cases.
- Drafted orders, opinions, and bench memos.
- Reviewed court filings and summarize arguments to prepare judge to hear arguments.
- Facilitated settlement conferences for conciliation court.
- Reviewed marital dissolution filings for statutory compliance.

### **Hofeld & Schaffner, Ltd. (Chicago, IL)**

Law Clerk 2015 - 2017

- Performed research of complex legal and medical issues.
- Aided in trial preparation including researching and drafting motions in limine.

- Assisted lawyers at trial with special tasks such as reading deposition testimony into the record and emergency research.
- Drafted responses to motions for summary judgment.

**Circuit Court of Cook County, Law Division, Trial Section (Chicago, IL)**

Judicial Extern to Hon. Irwin J. Solganick 2015

- Researched and authored a bench memo on a motion for summary judgment involving complex questions of Arizona and Illinois Law.
- Observed and provided emergency legal research with jury trials for medical negligence, construction, and bad faith cases.

**Magnani & Buck Ltd. (Chicago, IL)**

Law Clerk 2014 - 2015

- Made daily trips to the courthouse to file pleadings and motions, as well as filing and retrieving documents from the 1<sup>st</sup> District Court of Appeals of Illinois.
- Performed legal research and drafted memoranda.
- Completed administrative tasks including filing and answering phones as needed.

**Swanson, Martin, & Bell, LLP (Chicago, IL)**

Law Clerk 2013 - 2014

- Managed case files for multiple partners in the Medical Malpractice, Commercial Litigation, Bankruptcy, and Asbestos practice groups.
- Reviewed and edited documents drafted by Legal Assistants.
- Assembled trial binders for asbestos trial.
- Filed court documents at Daley Center and 1<sup>st</sup> District Court of Appeals of Illinois.

**Awards & Honors**

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John D. Schwartz Memorial Law Student Writing Competition 2015

- 2<sup>nd</sup> Place for Paper

**Licenses & Admissions**

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Minnesota Supreme Court

United States District Court for the District of Minnesota

United States Court of Appeals for the Federal Circuit

**Professional Memberships**

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Phi Alpha Delta (Story Chapter) 2012- Present

American Constitution Society 2019- Present

American Intellectual Property Law Association 2023- Present

**Community Engagement**

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Bisexual Resource Center

Board Member 2023- Present

Tracz CV 2024

Olmsted County Human Rights Commission

Chair

2022

Member

2021 - 2022

**Pro bono Work**

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Pro Se Project, District of MN

2021- Present