

Sophia Z. Lee

3501 Sansom St.; Philadelphia, PA 19104; (215) 573-7790; slee@law.upenn.edu

EXPERIENCE

University of Pennsylvania Law School, Philadelphia, PA 2009 -

Deputy Dean (2015-2017)

Professor of Law and History (2014-)

Assistant Professor of Law (2009-13) and History (2013-14)

Teaching:

- Courses include Administrative Law, Employment Law, History of Privacy and the Law, The Constitution Outside of the Courts, and Black Lives Matter in Historical Perspective.
- 2019 A. Leo Levin Award for Excellence in an Introductory Course (Admin)

Research interests include legal history, extra-court constitutionalism, privacy, administrative law, conservative public interest law, civil rights history, and labor law.

Hon. Kimba M. Wood, Chief Judge, U.S. District Court, S.D.N.Y., New York, NY 2008-2009

Law Clerk.

EDUCATION

Yale University, Department of History, Ph.D., 2010

Distinction in Dissertation & Qualifying Examinations

Stephen Vella Prize for extraordinary scholarship and commitment to social justice

Department Nominee for Society of American Historians' Allan Nevins Dissertation Prize

John F. Enders Fund (competitive summer fellowship)

Dissertation: "'Almost Revolutionary': The Constitution's Strange Career in the Workplace, 1935-1980"

Yale Law School, J.D., 2006

Editor in Chief, Managing Editor, *Yale Journal of Law & the Humanities*

Benjamin Scharps Prize (best overall paper by third-year law student)

Joseph Parker Prize (best student paper in legal history)

University of California at Berkeley, M.S.W., 1999; B.A., 1994

Greenwood Emeritus Faculty Prize for Writing (M.S.W.)

Graduated with highest honors and highest honors in major (B.A.)

PUBLICATIONS

Books

The Workplace Constitution from the New Deal to the New Right (New York, N.Y.: Cambridge University Press, 2014).

- Honorable Mention, 2015 J. Willard Hurst Prize, Law & Society Association.

Articles & Chapters

Our Administered Constitution: Administrative Constitutionalism from the Founding to the Present, 168 U. PA. L. REV. 1699 (2019).

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PUBLICATIONS (cont'd)

Rights in the New Deal Order and Beyond in NELSON LICHTENSTEIN, ALICE O'CONNOR, & GARY GERSTLE, EDs., *BEYOND THE NEW DEAL ORDER* (Princeton University Press, 2019).

Leaving the Fortress of Legal History Behind, *THE DOCKET* (L. & HIST. REV. Online Component) (2018).

From the History to the Theory of Administrative Constitutionalism in JERRY MASHAW & NICHOLAS PARRILLO, EDs., *AMERICAN ADMINISTRATIVE LAW FROM THE INSIDE OUT* (Cambridge University Press, 2017).

A Signal or a Silo?: Title VII's Unexpected Hegemony in ELLEN KATZ & SAMUEL BAGENSTOS, EDs., *A NATION OF WIDENING OPPORTUNITIES: THE CIVIL RIGHTS ACT AT 50* (University of Michigan Press, 2015).

A Revolution at War with Itself? Preserving Employment Preferences from Weber to Ricci, 14 *YALE L.J.* 100 (2014).

Whose Rights?: Litigating the Right-to-Work, 1940-1980 in NELSON LICHTENSTEIN & ELIZABETH TANDY SHERMER, EDs., *THE AMERICAN RIGHT AND U.S. LABOR: POLITICS, IDEOLOGY, AND IMAGINATION* (University of Pennsylvania Press, 2012).

Race, Sex, and Rulemaking: Administrative Constitutionalism and the Workplace, 1960 to the Present, 96 *VA. L. REV.* 799 (2010).

Hotspots in a Cold War: The NAACP's Postwar Workplace Constitutionalism, 1948-1964, 26 *L. & HIST. REV.* 327 (2008)

Book Reviews and Encyclopedia Entries

Book Review, '*The Employee*': *from labor history to the history of work?* *LABOR HIST.* (2018) (reviewing JEAN-CHRISTIAN VINEL, *THE EMPLOYEE: A POLITICAL HISTORY* (2013)).

Book Review, *J. AM. HIST.* (2015) (reviewing ROBERT L. TSAI, *AMERICA'S FORGOTTEN CONSTITUTIONS: DEFIANT VISIONS OF POWER AND COMMUNITY* (2014)).

Book Review, *JOTWELL: LEGAL HISTORY* (2011) (reviewing DANIEL RODGERS, *AGE OF FRACTURE* (2011)) (available at www.legalhist.jotwell.com).

Book Review, 85 *BUS. HIST. REV.* 622 (2011) (reviewing JENNIFER DELTON, *RACIAL INTEGRATION IN CORPORATE AMERICA, 1940-1990* (2009)).

Book Review, 28 *L. & HIST. REV.* 554 (2010) (reviewing PAUL FRYMER, *BLACK AND BLUE: AFRICAN AMERICANS, THE LABOR MOVEMENT, AND THE DECLINE OF THE DEMOCRATIC PARTY* (2007)).

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PUBLICATIONS (cont'd)

Book Review, 27 L. & HIST. REV. 479 (2009) (reviewing JUDITH KILPATRICK, *THERE WHEN WE NEEDED HIM: WILEY AUSTIN BRANTON, CIVIL RIGHTS WARRIOR* (2007)).

Book Review, 27 L. & HIST. REV. 224 (2009) (reviewing RISA L. GOLUBOFF, *THE LOST PROMISE OF CIVIL RIGHTS* (2007)).

Flagg Bros. Inc. v. Brooks, 436 U.S. 149 (1978), in *ENCYCLOPEDIA OF THE SUPREME COURT OF THE UNITED STATES* (David Tanenhaus et al., eds., 2008).

Blogposts & Popular Media

“Critics of the Administrative State Have a History Problem,” *Law and Political Economy*, August 1, 2019 (<https://lpeblog.org/2019/08/01/critics-of-the-administrative-state-have-a-history-problem/>).

Commentary on *Janus v. AFSCME*, Penn Law News & Events, June 27, 2018 (<https://www.law.upenn.edu/live/news/8244-sophia-lee-comments-on-scotus-ruling-in-organized>)

“Using History to See the Glass Part Full in *Janus v. AFSCME*,” *OnLabor*; *ACSBlog*; *The Regulatory Review*, February 21, 2018 (<https://onlabor.org/using-history-to-see-the-glass-part-full-in-janus-v-afscme/>; <https://www.acslaw.org/acsblog/using-history-to-see-the-glass-part-full-in-janus-v-afscme/>; <https://www.thereview.org/2018/03/01/lee-glass-part-full-labor-movement/>)

Response to “The Right to Strike” by James Pope, Ed Bruno, and Peter Kellman, *Boston Review*, May 22, 2017 (<http://bostonreview.net/forum/right-strike/sophia-lee-lee-responds-pope>).

“What Are Rights Really?” Interdisciplinary Radio, April 26, 2016, podcast (<http://www.interdisciplinaryradioshow.com/episode-6-what-are-rights-really/>).

“The State of the American Workplace,” Case in Point, January 19, 2016, podcast (<http://caseinpoint.org/live/news/5859-the-state-of-the-american-workplace#.V0iWuGYaFBw>).

“The Workplace Constitution from the New Deal to the New Right,” New Books Network, June 3, 2015, podcast (<http://newbooksnetwork.com/sophia-z-lee-the-workplace-constitution-from-the-new-deal-to-the-new-right-cambridge-up-2014/>).

“Balancing Acts: Claiming Rights in America,” *Backstory*, June 19, 2015, podcast (<http://backstoryradio.org/shows/balancing-acts-2/>).

Knowledge@Wharton, Sirius XM 111, April 17, 2015 (guest for call-in radio show about on-demand scheduling).

“The *Lochner*-Era Roots of the Conservative First Amendment,” ACS BookTalk Blog, April 14, 2015 (available at <http://www.acslaw.org/acsblog/the-lochner-era-roots-of-the-conservative-first-amendment>).

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PUBLICATIONS (cont'd)

“Administering the Workplace Constitution,” RegBlog, March 30, 2015 (available at www.regblog.org/2015/03/30/lee-workplace-constitution/).

“The Workplace Constitution: The Rise and Fall of the Rightless American Worker,” 15 INSIGHTS ON L. & SOC. 4 (2015).

“Epilogue(s),” Legal History Blog, February 28, 2015 (available at <http://legalhistoryblog.blogspot.com/2015/02/epilogues.html>).

“Finding a Publisher for Your Book,” Legal History Blog, February 25, 2015 (available at <http://legalhistoryblog.blogspot.com/2015/02/finding-publisher-for-your-book.html>).

“Using Articles to Advance but not Preempt the Book,” Legal History Blog, February 23, 2015 (available at <http://legalhistoryblog.blogspot.com/2015/02/using-articles-to-advance-but-not.html>).

“Disciplining Detail,” Legal History Blog, February 20, 2015 (available at <http://legalhistoryblog.blogspot.com/2015/02/disciplining-detail.html>).

“How to Revisit Events in Your Book without Being (too) Repetitive,” Legal History Blog, February 15, 2015 (available at <http://legalhistoryblog.blogspot.com/2015/02/how-to-revisit-events-in-your-book.html>).

“Making Your Book’s Structure Serve You, Your Argument, and Your Reader,” Legal History Blog, February 8, 2015 (available at <http://legalhistoryblog.blogspot.com/search?q=making+book%27s+structure>).

“Laws to Cover More Groups Are Not Enough,” *Room for Debate*, NEW YORK TIMES, March 24, 2014 (on-line edition).

Blog, *Administering the Constitution in 2020* (2010), Balkinization (available at <http://balkin.blogspot.com/2009/09/administering-constitution-in-2020.html>) and Constitution2020 (available at <http://www.constitution2020.org/node/84>).

PROFESSIONAL PRESENTATIONS

Invited Participation

“**Right to Work Then and Now**,” Harvard Trade Union Program, Harvard Law School, Spring 2020, 2019, 2018.

Katherine T. Preyer Memorial Prize Panel, American Society for Legal History, Fall 2019 (commentator).

“**What 20th-Century First Amendment Law and Politics Can Teach 21st-Century Progressives**,” *Drexel Law Review* Symposium, Kline School of Law, Fall 2019.

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PROFESSIONAL PRESENTATIONS (cont'd)

Labor and the U.S. Constitution: Past, Present, and Future, Cornell University, New York, NY, Fall 2019 (moderator).

An Administered Constitution: Administrative Constitutionalism in the U.S. from the Founding to the Present, U. Alberta Faculty of Law, Fall 2019.

Johnson Program for First Book Authors, U. Penn., Summer 2019 (commenter).

Book Panel Discussion on Sam Erman's *Almost Citizens: Puerto Rico, the U.S. Constitution, and Empire*, U.S.C. Gould School of Law, Spring 2019 (presenter).

The History of Right to Work from the Gilded Age to Janus, plenary session, Collective Bargaining After *Janus* Conference, National Center for the Study of Collective Bargaining in Higher Education and the Professions, CUNY Hunter, Spring 2019 (moderator and panelist).

Reimagining Regulatory Reform, American Constitution Society, Washington, D.C., Fall 2018 (working group participant).

Winning the Right to Work: Conservatives and Constitutional Change, U. Penn Engaging Minds, New York, NY, Fall 2018.

Our Administered Constitution: Administrative Constitutionalism in the U.S. from the Founding to the Present, Discussion Group on Constitutionalism, U. Wisconsin Law School, Fall 2018.

Our Administered Constitution: Administrative Constitutionalism in the U.S. from the Founding to the Present, The History, Theory, and Practice of Administrative Constitutionalism, University of Pennsylvania Law Review Symposium, Fall 2018 (convener and presenter).

New Approaches to Political Economy, Seattle, Washington, Summer 2018 (working group retreat).

The Tobin Project on the History of American Democracy, Harvard University, Spring 2018 (working group participant).

***Amicus Curiae* Lecture Series**, *Simon Perry Center for Constitutional Democracy*, Marshall University, Spring 2018.

"Leaving the Fortress of Legal History Behind," Celebrating Bob Gordon's *Taming the Past*, Stanford Law School, Spring 2018.

U.S. Legal History Roundtable, commenter, *American Bar Foundation*, Spring 2017.

Book Manuscript Workshop, commenter, *University of Southern California Law School*, Spring 2017.

"The Administrative Constitution: Past, Present, and Future," John Gedid Lecture, *Widener University Commonwealth Law School's Law and Government Institute*, Spring 2017.

"The Constitution and the Administrative State: The Separation of Powers and the Appropriate Role of Government in Society," discussant, *Federal Judicial Center and National Constitution Center*, Spring 2017.

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PROFESSIONAL PRESENTATIONS (cont'd)

Roundtable on the ASLH and Labor Disputes: Historical Context for Future Decisions, moderator, *American Society for Legal History*, Fall 2016.

Public Law Workshop, *University of Minnesota Law School*, Fall 2016.

Faculty Colloquium, *Temple University Beasley School of Law*, Fall 2016.

Transgender Rights and the Regulatory State: Should Federal Agencies Take the Lead?, *New York University Law School*, Fall 2016.

States of Intimacy: Gender, Sexuality, and Governance in Modern U.S. History, *Radcliffe Institute for Advanced Study*, Summer 2016.

Public Law and Legal Theory Workshop, *University of Chicago Law School*, Spring 2016.

Yale Legal History Forum, *Yale Law School*, Spring 2016.

Faculty Colloquium, *University of Texas at Austin School of Law*, Spring 2016.

American Constitution Society Chapter, *Yale Law School*, Fall 2015.

Law-Related Book Talk Series, *Law and Public Affairs Program, Princeton University*, Fall 2015.

Administrative Law from the Inside Out, *Yale Law School*, Fall 2015.

American Constitution Society National Convention, “*The Courts, the Constitution and the Disappearing American Dream*” Panel, Summer 2015.

Administering the Constitution Symposium, *Columbia Law School*, Spring 2015.

The Workplace Constitution from the New Deal to the New Right, American Studies Symposium, Rutgers New Brunswick, Spring 2015.

***The Workplace Constitution from the New Deal to the New Right*, chap. 7, 9, & 11**, Faculty Workshop, Florida State University Law School, Spring 2014.

“A Revolution at War with Itself? Preserving Employment Preferences from *Weber* to *Ricci*,” *Symposium on the Civil Rights Revolution*, Yale Law School, Spring 2014.

“Why the Civil Rights Act of 1964 belongs in the Great Society,” *Symposium on Organizing for Economic Democracy*, University of California at Santa Barbara, Spring 2014.

***The Workplace Constitution from the New Deal to the New Right*, chaps. 7, 9, & 11**, Junior Scholars Public-Law Roundtable, Notre Dame Law School, London, Fall 2013.

“A Signal or a Silo?: Title VII’s Unexpected Hegemony,” *The Civil Rights Act of 1964 at 50*, University of Michigan Law School, Fall 2013.

***The Workplace Constitution from the New Deal to the New Right*, chap. 6**, *Legal History Roundtable*, American Bar Foundation, Chicago, Spring 2013.

***The Workplace Constitution from the New Deal to the New Right*, chap. 1**, *Harvard Law School Legal History Colloquium*, Spring 2013.

***The Workplace Constitution from the New Deal to the New Right*, chaps. 3 & 13**, *Law and Social Change Workshop*, Harvard Law School, Spring 2013.

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PROFESSIONAL PRESENTATIONS (cont'd)

The Workplace Constitution from the New Deal to the New Right, chap. 13, Miller Center, University of Virginia, Fall 2012.

The Workplace Constitution from the New Deal to the New Right, chap. 3, *Legal History Colloquium*, University of Minnesota Law School, Spring 2012.

The Workplace Constitution from the New Deal to the New Right, chap. 3, *Legal History Workshop*, University of Michigan Law School, Spring 2012.

“**Antibalkanization from Above and Below**,” *Association of American Law Schools Annual Meeting*, Winter 2012.

“**A Less Perilous Path: Administering Equal Protection Rights at Work**,” *The Constitutionalization of Labor and Employment Law?*, U. Wisc. Law School, Fall 2011.

“**The Intervention of Lawyers’: Race, Labor, and Conservative Politics in 1950s America**,” *Faculty Workshop*, Benjamin N. Cardozo School of Law, Fall 2011.

“**The Intervention of Lawyers’: Race, Labor, and Conservative Politics in 1950s America**,” *Faculty Workshop*, University of California at Hastings College of the Law, Spring 2011.

“**The Intervention of Lawyers’: Race, Labor, and Conservative Politics in 1950s America**,” *Wharton Legal Studies & Business Ethics Department*, Spring 2011.

“**Almost Revolutionary’: The Constitution’s Strange Career in the Workplace, 1935-1980**,” *Legal History Colloquium*, NYU School of Law, Spring 2011.

“**Administering the Underenforced Constitution**,” *Republic of Statutes Conference*, Yale Law School, Fall 2010.

“**Without the Intervention of Lawyers’: Race, Labor, and Conservative Politics in 1950s America**,” *Historical Inquiry in the New Century*, The Historical Society, Summer 2010.

“**Whose Rights?: Litigating the Right to Work, 1940-1980**,” *Constitutional Law Workshop*, Princeton University, Fall 2009.

“**Administering the Constitution in 2020**,” *The Constitution in 2020*, Yale Law School, Fall 2009.

“**Whose Rights?: Litigating the Right to Work, 1940-1980**,” *Penn Legal History Consortium*, Fall 2008.

Competitive Conference Panels

“**Making Privacy Popular: Labor, Prohibition, and the Fourth Amendment**,” American Society for Legal History Conference, Boston, Mass., Fall 2019.

Author-Meets-Readers: Christopher W. Schmidt’s *The Sit-Ins: Protest and Legal Change in the Civil Rights Era*, American Society for Legal History Conference, Houston, Texas, Fall 2018.

“**Constitutional Conservatism and the New Right**,” commenter, Policy History Conference, Tempe, AZ, Spring 2018.

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PROFESSIONAL PRESENTATIONS (cont'd)

“Author-Meets-Readers: Laura Weinrib’s *The Taming of Free Speech: America’s Civil Liberties Compromise* (Harvard University Press, 2016),” commenter, American Society for Legal History, Las Vegas, NV, Fall 2017.

“The Reconstruction Amendments in Law, Politics, and History,” moderator, Organization of American Historians, New Orleans, LA, Spring 2017.

“The New Deal State and the Tension Between Labor and Civil Rights,” Beyond the New Deal Order Conference, U.C. Santa Barbara, Fall 2015.

Plenary, International Labor Communications Association Conference, Raleigh, N.C, Fall 2015.

“‘Right to Work’ from the New Deal to *Vergara v. California*,” United Association for Labor Educators Conference, Orlando, Florida, Spring 2015.

“Perspectives on Gavin Wright’s *Sharing the Prize: The Economics of the Civil Rights Revolution, A Roundtable*,” *American Historical Association Meetings*, Spring 2015.

“Conservative Constitutionalism in the Civil Rights Era (and Beyond),” *American Society for Legal History*, Fall 2014 (panel commentator).

“Administering the Constitution: Lessons from the Past,” *American Bar Association Section of Administrative Law and Regulatory Practice*, Fall 2014.

“Federal Policy, Constitutional Rights, and Poverty in the Twentieth Century: ‘Administrative Constitutionalism’ in New Contexts,” *Policy History Conference*, Spring 2014 (panel commentator).

“Originalism: Labor’s Shield?,” *American Historical Association Annual Meeting*, Spring 2014.

“Barnette’s Conservative Legacy: Unions and Workers’ Right Not to Speak,” *Law and Society Association Annual Meeting*, Boston, Spring 2013.

“‘A Little FEPC’?: Forging a Liberal Workplace Constitution in the Post-New Deal Administrative State,” *American Society for Legal History*, Fall 2012.

***The Workplace Constitution from the New Deal to the New Right*, chap. 13,** *Organization of American Historians Annual Meeting*, Spring 2012.

***The Workplace Constitution from the New Deal to the New Right*, chap. 2,** *Southern Historical Association Annual Meeting*, Fall 2011.

“More than a Hamburger: The Labor Roots of the Sit-In Cases,” *American Society for Legal History*, Fall 2010.

“Rights on the Right: The New Deal Origins of Conservative Rights Constitutionalism, 1940-1980,” *Policy History Conference*, Summer 2010.

“Whose Rights?: Litigating the Right to Work, 1950-1980,” *The Right and Labor: Politics, Ideology and Imagination*, U.C. Santa Barbara, Spring 2009.

“Whose Rights?: Litigating the Right to Work, 1950-1980,” *American Society for Legal History*, Fall 2008.

“In and Out of Government: Public Interest Organizations and the Making of a Civil Rights State, 1968-1976,” *Policy History Conference*, Summer 2008.

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PROFESSIONAL PRESENTATIONS (cont'd)

“Hotspots in a Cold War: The NAACP’s Postwar Labor Constitutionalism, 1948-1964,”
American Society for Legal History, Fall 2006.

“Hotspots in a Cold War: The NAACP, Labor, and the Law-Politics Distinction,” *Midwest Political Science Association*, Spring 2006.

Competitive Workshops

“‘Stator v. Privatus’: Civil Rights Constitutionalism, 1960-1964,” *Legal History Colloquium*, NYU School of Law, Spring 2008.

“Race, Sex, and Rulemaking, 1964-1977: Revising Equal Protection History, Recovering Administrative Constitutionalism,” *Legal History Colloquium*, NYU School of Law, Fall 2007.

“Race and Rulemaking: Civil Rights in the Administrative State, 1964-1977,” *J. Willard Hurst Summer Institute in Legal History*, Summer 2007.

“‘Almost Revolutionary’: Race, Labor, and Administrative Constitutionalism, 1935-1964,”
Emerging Scholars Series, Yale Law School, Spring 2005.

OTHER PRIZES, AWARDS & FELLOWSHIPS

Samuel I. Golieb Fellowship in Legal History, New York University School of Law, 2007-08 (one-year research scholar appointment).

William Nelson Cromwell Foundation Fellowship, American Society for Legal History, 2008 (\$5,000 competitive legal history research and writing fellowship).

Littleton-Griswold Research Grant, American Historical Association, 2007 (\$1,000 competitive research grant in legal history).

J. Willard Hurst Summer Institute in Legal History, University of Wisconsin, Madison, 2007 (selected for two-week intensive seminar for junior scholars in legal history).

Kathryn T. Preyer Scholar, American Society for Legal History, 2006 (\$500 paper prize for junior scholars in legal history).

SERVICE

University of Pennsylvania:

- Law School Committees: Appointments; Clerkships; Tenure & Promotions; Student Engagement; Ad-hoc Hiring Committees; Educational Programs Committee
- History Department: 20th Century U.S. History Search Committee
- University-wide: Disciplinary Appellate Officer; Consultative Review Committee on the Reappointment of Dean of School of Arts & Sciences; Honorary Degree Committee; Social Responsibility Advisory Committee; Penn Forum for Women Faculty; Presidential Professorships Advisory Committee; Pre-Doctoral Excellence through Diversity Fellowship Committee

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SERVICE (cont'd)

American Society for Legal History: Program Committee (2020); Cromwell Book Prize Advisory Committee (2017-19) (chair 2018); Graduate Student Outreach Committee (2016-present); Board Member (2015-2018); Program Committee (2017); John Philip Reid Book Prize Committee (2012-14) (chair 2014)

American Bar Association: Administrative Law and Regulatory Practice's Committee on History of Administrative Law (2016-2017)

Labor and Working-Class History Association: Board Member (2019-2022); Harassment Policy Task Force (2019-20); Program Committee (2016-present)

PROFESSIONAL MEMBERSHIPS

Association of American Law Schools; American Society for Legal History; Law & Society Association; American Historical Association; Organization of American Historians; Labor and Working-Class History Association.