

# KAREN M. TANI

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<b>CURRENT POSITION</b>	<b>UNIVERSITY OF PENNSYLVANIA</b> <i>Seaman Family University Professor</i> One of twenty-six Penn Integrates Knowledge (PIK) University Professors. Jointly appointed in the Law School and the Department of History. Teaches courses on U.S. Legal History, Torts, and Law & Inequality.	(July 2020-present)
<b>ACADEMIC APPOINTMENTS</b>	<b>UNIVERSITY OF CALIFORNIA, BERKELEY SCHOOL OF LAW</b> <i>Professor of Law</i> <i>Assistant Professor of Law</i>	(2018-20) (2011-18)
	<b>YALE LAW SCHOOL</b> <i>Sidley Austin – Robert D. McLean Visiting Professor</i>	(Spring 2019)
	<b>COLUMBIA LAW SCHOOL</b> <i>Samuel Rubin Visiting Professor</i>	(Fall 2018)
	<b>NEW YORK UNIVERSITY SCHOOL OF LAW</b> <i>Samuel I. Golieb Fellow in Legal History</i>	(2010-11)
	<b>UNIVERSITY OF PENNSYLVANIA LAW SCHOOL</b> <i>George Sharswood Fellow in Law and History</i>	(2008-10)
<b>CLERKSHIP</b>	<b>HONORABLE GUIDO CALABRESI</b> UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT	(2007-08)
<b>EDUCATION</b>	<b>UNIVERSITY OF PENNSYLVANIA</b> , Ph.D. (History), 2011 <b>UNIVERSITY OF PENNSYLVANIA LAW SCHOOL</b> , J.D., <i>magna cum laude</i> , 2007 Order of the Coif; University of Pennsylvania Law Review. <b>DARTMOUTH COLLEGE</b> , B.A. (History), <i>summa cum laude</i> , 2002 High honors in major; Phi Beta Kappa; Presidential Scholar.	
<b>PUBLICATIONS &amp; WORKS IN PROGRESS</b>	<u>Book Projects</u> The Rise of Disability Governance, 1970-1990 (manuscript in progress).  STATES OF DEPENDENCY: WELFARE, RIGHTS, AND AMERICAN GOVERNANCE, 1935-1972 (Cambridge University Press, 2016).  Winner of the 2017 Cromwell Book Prize from the American Society for Legal History  <u>Articles and Essays</u> [* = peer-reviewed journal]  <i>The Pennhurst Doctrines and the Lost Disability History of the “New Federalism,”</i> 109 CALIF. L. REV. __ (forthcoming 2022).  <i>*After 504: Training the Citizen-Enforcers of Disability Rights</i> , 42 DISABILITY	

STUD. Q. \_\_ (forthcoming Spring 2022).

[\*Presidential Primacy amidst Democratic Decline\*](#), 135 HARV. L. REV. F. 39 (2021) (invited response to the *Supreme Court 2020 Term—Foreword*) (with Ashraf Ahmed).

[\*Compensation, Commodification, and Disablement: How the Law Has Dehumanized Laboring Bodies and Excluded Nonlaboring Humans\*](#), 119 MICH. L. REV. 1269 (2021) (invited review essay on Nate Holdren’s *Injury Impoverished: Workplace Accidents, Capitalism, and the Law in the Progressive Era* (2020)).

[\*The Poverty Law Education of Charles Reich\*](#), 36 TOURO L. REV. 807 (2021) (invited contribution to symposium on the life and legacy of Charles Reich) (with Felicia Kornbluh).

[\*Administrative Constitutionalism at the “Borders of Belonging”:\*](#) [\*Drawing on History to Expand the Archive and Change the Lens\*](#), 167 U. PA. L. REV. 1603 (2019) (invited contribution to a symposium on administrative constitutionalism).

\**Constitutionalization as Statecraft: Vagrant Nation and the Modern American State*, 43 L. & SOC. INQUIRY 1646 (2018) (invited contribution to a symposium on Risa Goluboff’s *Vagrant Nation: Police Power, Constitutional Change, and the Making of the 1960s* (2016)).

[\*An Administrative Right to Be Free from Sexual Violence?: Title IX Enforcement in Historical and Institutional Perspective\*](#), 66 DUKE L. J. 1847 (2017) (for the symposium “Inclusion, Exclusion, and the Law of the Administrative State”).

Winner of the Steven S. Goldberg Award for Distinguished Scholarship in Education Law from the Education Law Association

\**Clio and the Compound Republic*, 47 PUBLIUS: THE JOURNAL OF FEDERALISM 235 (2017) (invited contribution to symposium honoring the late Martha Derthick) (with Brent Cebul and Mason Williams).

[\*Something Old, Something New: Reflections on the Sex Bureaucracy\*](#), 7 CALIF. L. REV. CIR. 122 (2016) (invited response to Jacob Gersen & Jeannie Suk’s *The Sex Bureaucracy*) (with Melissa Murray).

\**Federalism Anew*, 56 AM. J. LEG. HIST. 128 (2016) (invited contribution to symposium on the future of legal history) (with Sara Mayeux).

[\*Administrative Equal Protection: Federalism, the Fourteenth Amendment, and the Rights of the Poor\*](#), 100 CORNELL L. REV. 825 (2015).

Selected on a blind-review basis for presentation at the 2014 Harvard/Stanford/Yale Junior Faculty Forum

\**States’ Rights, Welfare Rights, and “The Indian Problem”:* [\*Negotiating Citizenship and Sovereignty, 1935-1954\*](#), 33 L. & HIST. REV. 1 (2015).

[\*Welfare and Rights before the Movement: Rights as a Language of the State\*](#), 122 YALE L. J. 314 (2012).

[\*Portia’s Deal\*](#), 87 CHI-KENT L. REV. 549 (2012) (invited contribution to symposium

on “Women’s Legal History”).

\*[Flemming v. Nestor: Anticommunism, the Welfare State, and the Making of ‘New Property.’](#) 26 L. & HIST. REV. 379 (2008).

Winner of the Kathryn T. Preyer Prize from the American Society for Legal History

### Book Chapters

*The Unanticipated Consequences of New Deal Poor Relief: Welfare Rights, Empowered States, and the Revival of Localism* (invited contribution to CAPITALISM CONTESTED: THE NEW DEAL AND ITS LEGACIES, edited by Nelson Lichtenstein, Jean-Christian Vinel, and Romain Huret) (Penn Press, 2020).

*Siting the Legal History of Poverty: Below, Above, and Amidst*, in BLACKWELL COMPANION TO AMERICAN LEGAL HISTORY (Sally Hadden & Alfred Brophy eds.) (2013) (with Felicia Kornbluh).

*The House that ‘Equality’ Built: The Asian American Movement and the Legacy of Community Action*, in THE WAR ON POVERTY: A NEW GRASSROOTS HISTORY (Annelise Orleck & Lisa Hazirjian eds.) (University of Georgia Press, 2011).

### Edited Collections

*Disabled Perspectives on Legal Education: Reckoning and Reform*, 69 J. LEGAL EDUC. \_\_ (forthcoming 2021) (with Lilith Siegel).

### Teaching Materials

[TORTS: CASES, PRINCIPLES, AND INSTITUTIONS](#) (CALI) (with John Fabian Witt). [The book is currently in its 5<sup>th</sup> edition (2020); editions 1-3 were solo-authored by John Fabian Witt.]

### Book Reviews, Op-Eds, and Shorter Works

[The “New Asylums”—and the Old](#), THE NEW RAMBLER, Mar. 12, 2020 (reviewing Anne Parsons’s *From Asylum to Prison: Deinstitutionalization and the Rise of Mass Incarceration after 1945* (2018)) (with Ann K. Heffernan).

*From the Well-Regulated Society to the Modern American State*, 57 AM. J. LEG. HIST. 243 (2017) (reflecting on William Novak’s *The People’s Welfare* (1996) after twenty years).<sup>1</sup>

Review, *Legal Codes and Talking Trees: Indigenous Women’s Sovereignty in the Sonoran and Puget Sound Borderlands, 1854-1946* (2016), JOTWELL (2016).

“The Japanese American Internment Decision: A Dangerous Relic,” L.A. TIMES, December 18, 2015 (with John Inazu).

Review, *A Legal History of the Civil War and Reconstruction: A Nation of Rights* (2015), JOTWELL (2015).

Review, “The Cowboy Suit Tragedy: Spreading Risk, Owning Hazard in the Modern

American Consumer Economy” (2014), JOTWELL (2014).

“Training Historians and the Dual Degree,” CHRON. OF HIGHER ED., January 28, 2014 (with Merlin Chowkwanyun).

Review, “Remembering the ‘Forgotten Child’: The American Indian Child Welfare Crisis of the 1960s and 1970s” (2013), JOTWELL (2013).

Review, *Caring for America: Home Health Workers in the Shadow of the Welfare State* (2012), 31 L. & HIST. REV. 901 (2013).

Review, *The Sympathetic State: Disaster Relief and the Origins of the American Welfare State* (2012), JOTWELL (2013).

Review, *This Is Not Civil Rights: Discovering Rights Talk in 1939 America* (2012), 47 J. AM. STUD. 858 (2013).

Review, *Tax and Spend: the Welfare State, Tax Politics, and the Limits of American Liberalism* (2012), JOTWELL (2012).

*Poverty Law 101: The Law and History of the U.S. Welfare State*, 39 FORDHAM URB. L.J. CITY SQUARE 1 (2012) (invited response to Amy L. Wax).

Review, *Champion of Civil Rights: Judge John Minor Wisdom* (2009), 28 L. & HIST. REV. 268 (2010).

Review, *A People’s History of Poverty in America* (2008), 15 J. CHILDREN & POVERTY 141 (2009).

**ADDITIONAL  
PROFESSIONAL  
EXPERIENCE**

**DECHERT, LLP**, New York, NY, and Philadelphia, PA (2005, 2006)  
*Summer Associate*

**RECENT  
INVITED  
SCHOLARLY  
PRESENT-  
ATIONS  
(SELECTED)**

*Princeton University Department of History Modern America Workshop*, April 2021.

*University of Georgia Law School Faculty Workshop*, March 2021.

*University of Michigan Law School Faculty Workshop*, March 2021.

*Northwestern Pritzker School of Law Public Law Workshop*, January 2021.

*Temple University Beasley School of Law*, November 2020.

*University of Michigan Rackham Graduate School*, February 2020.

*Touro Law Center*, Conference in Honor of Charles Reich, January 2020.

*Northwestern Pritzker School of Law Faculty Workshop*, May 2019

*American Bar Foundation Legal History Roundtable*, May 2019.

*University of Chicago Gender and Sexuality Studies Workshop*, May 2019.

*New York University Legal History Colloquium, April 2019.*

*Agenda and Procedures of Social Governance Colloquium, Michael E. Moritz College of Law at Ohio State University, April 2019.*

*Yale Law School Faculty Workshop, January 2019.*

*University of Pennsylvania Department of History Faculty Workshop, December 2018.*

*University of Pennsylvania Law School Faculty Workshop, December 2018.*

*Harvard Law School Faculty Workshop, November 2018.*

*Columbia Law School Faculty Workshop, November 2018.*

*Program in Law and Public Affairs (LAPA) Workshop, Princeton University, September 2018.*

*Emory University School of Law Faculty Workshop, August 2018.*

*Second Circuit Judicial Conference, June 2018 (roundtable on the history of the administrative state).*

*University of Chicago Constitutional Law Workshop, April 2018.*

*University of Virginia Legal History Workshop, March 2018.*

**RECENT  
CONFERENCES  
(SELECTED)**

*Organization of American Historians, Annual Meeting, April 2021. Chaired and commented on a panel on “Violence, Law, and the Twentieth-Century State.”*

*American Society for Legal History, Annual Meeting, November 2019. Commented on an author-meets-reader panel on Sam Erman’s *Almost Citizens*. Participated in a preconference workshop on local legal history.*

*Organization of American Historians, Annual Meeting, April 2019. Presented “From Navigating the Welfare State to Enforcing Civil Rights: Federal Funds and Disability Legal Advocacy in the Late Twentieth Century U.S.” Participated in a panel on sexual harassment and violence in the historical profession.*

*American Society for Legal History, Annual Meeting, November 2018. Presented “Training the Citizen-Enforcers of Disability Rights.” Participated in a roundtable on teaching legal history.*

*Policy History, Biennial Conference, May 2018. Presented “Training the Citizen-Enforcers of Disability Rights.” Commented on a panel titled “Administrative Law and Policy in the Twilight of the New Deal Order.”*

**OTHER  
FELLOWSHIPS,**

Townsend Fellowship, Townsend Center for the Humanities, University of California,

**PRIZES &  
AWARDS**

Berkeley, 2019-20.

Cromwell Book Prize, William Nelson Cromwell Foundation, with the advice of the American Society for Legal History, 2017.

Steven S. Goldberg Award for Distinguished Scholarship in Education Law, Education Law Association, 2017.

Boalt Hall Women's Association "Women Advancing the Law" Teaching Award, 2017.

Nancy Weiss Malkiel Junior Faculty Fellow (one of five), Woodrow Wilson Foundation, 2016-17.

Selected to present at the Harvard/Stanford/Yale Junior Faculty Forum, 2014.

Research Award from the Hellman Fellows Fund, University of California, Berkeley, 2013.

John A. Heinz Dissertation Award, National Academy of Social Insurance, 2012.

William Nelson Cromwell Fellowship (awarded by the William Nelson Cromwell Foundation, with the advice of the American Society for Legal History), 2010.

Selected to participate in the J. Willard Hurst Summer Institute in Legal History (one of twelve fellows) (co-sponsored by the American Society for Legal History and the University of Wisconsin Institute for Legal Studies), 2009.

Fred. G. Leebron Memorial Prize (Best Paper in Constitutional Law), University of Pennsylvania Law School, 2007.

Dean's Scholar, University of Pennsylvania (one of ten, selected from across the graduate divisions of the School of Arts and Sciences; awarded for "exceptional academic performance and intellectual promise"), 2007.

Kathryn T. Preyer Scholars Prize, American Society for Legal History, 2006.

**GRADUATE  
STUDENT  
ADVISING**

Advanced Degree Committees

Ph.D.

- Kimberly White (History, University of Pennsylvania).
- Teal Arcadi (History, Princeton University).
- Leah Samples (History & Sociology of Science, University of Pennsylvania).
- Michele Bezark (History, Northwestern University, completed 2021).
- Aaron Hall (History, UC Berkeley, completed, 2019).
- Chase Burton (Jurisprudence and Social Policy, UC Berkeley, completed 2019).
- Emily Prifogle (History, Princeton University, completed 2019) (outside

reader).

- Joy Milligan (Jurisprudence and Social Policy, UC Berkeley, completed 2018).

J.S.D.

- Yen-Chi Liu (UC Berkeley, completed 2011).

## SERVICE

### Professional Societies

American Society for Legal History

- Web committee, member (appointed), 2018-present.
- Willard Hurst Memorial Selection Committee, member (appointed), 2018-19.
- Nominating Committee, member (elected at large), 2017-present.
- Willard Hurst Memorial Selection Committee, chair (appointed), 2016-17.
- Willard Hurst Memorial Fund Committee (appointed), 2016-17.
- Board of Directors, member (elected at large), 2013-15.
- Kathryn T. Preyer Memorial Committee (appointed), 2012-14.
- Board of Directors, graduate student representative (elected at large), 2008-10.

Law and Society Association J. Willard Hurst Prize Selection Committee, member (appointed), 2019.

American Bar Association Section on Administrative Law and Regulatory Practice, Committee on the History of Administrative Law, 2016-17.

### Academic Journals and Presses

American Journal of Legal History, Editorial Advisory Board, 2015-present.

Cambridge University Press, outside reviewer.

Harvard University Press, outside reviewer.

Journal of American History, outside reviewer.

Journal of the Gilded Age and Progressive Era, outside reviewer.

Journal of Urban History, outside reviewer.

Law and History Review, Editorial Board, Fall 2017-present; outside reviewer.

University of Pennsylvania Press, outside reviewer.

### Academic Blogs, Listservs, and Networks

Legal History Blog, co-administrator and regular contributor, 2010-present.

Law and Political Economy Blog, core contributor, 2018-present.

Women Also Know History, Advisory Group, 2017-present.

JOTWELL, Contributing Editor, Legal History Section, 2012-17.

H-Law, Editorial Board, 2010-14.

University of Pennsylvania

History Department

Graduate Committee, 2021-22.

Executive Committee, 2020-21.

Law School

Legal History Workshop coordinator, 2020-present.

Tenure & Promotions Committee, 2021-22.

Appointments Committee, 2020-21.

University of California, Berkeley [Law School, unless otherwise noted]

Jefferson Memorial Lectures Committee, 2015-18; 2019-20 (campus-level service).

Rules and Elections Committee, 2017-18; 2019-20 (campus-level service).

Disqualification Appeals Committee, 2019-20.

Equity and Inclusion Committee, 2019-20.

JD Strategic Excellence Committee, 2017-18.

Admissions Committee, 2017-18.

Planning committee for conference on Federalism in the Trump Era, co-chair, 2017.

Association of American Law Schools hiring conference interviewer (advisory to the Faculty Appointments Committee), 2016.

Junior Working Ideas Group coordinator, 2016.

Faculty Appointments Committee, 2015-16.

Law and Economics Reading Group (advisory committee to the Faculty Appointments Committee), co-convenor, 2015.



L.L.M. Admissions Reviewer, 2013-2015.

Lloyd McCullough Robbins Award Committee, 2014-15.

Ph.D. Programs Committee, 2013-14.

Faculty Workshop co-coordinator, 2013.

Jurisprudence and Social Policy Program Search Committee, 2012-13.

Academic Placement Committee, 2011-12.

Other Service (to Student Organizations and Centers): Faculty Advisor to the Women of Color Collective, 2017-18, 2019-20; Faculty Advisory Committee to the Thelton E. Henderson Center for Social Justice, 2017-18, 2019-20; Faculty Advisor to the Asian Pacific American Law Students Association, 2016-18, 2019-20; Faculty Advisor to the Asian American Law Journal, 2014-20; Coach of the Berkeley Law entrants to the Roger J. Traynor Appellate Moot Court Competition, 2013-14 (with Sean Kiley, San Francisco District Attorney's Office).

**PROFESSIONAL MEMBERSHIPS**

American Bar Association; American Historical Association; American Society for Legal History; Law & Society Association; Organization of American Historians.

**MISC.**

Occasional lecturer on the history of the Japanese American internment cases and their contemporary legacy.

Participant in the Tobin Project History of Democracy Working Group (2018-2019).

Participant in the Aspen Institute Justice and Society Seminar (2016).

Teaching certificate from the University of Pennsylvania School of Arts and Sciences Center for Teaching and Learning, 2009.