

DANAYA C. WRIGHT

Clarence J. TeSelle and UF Research Foundation Professor of Law
University of Florida Levin College of Law
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EDUCATION

PhD	Johns Hopkins University (Political Science)	Nov, 1998
JD	Cornell University School of Law New York University School of Law (third year)	May, 1991
MA	St. Johns College (Liberal Education)	Aug, 1988
MA	University of Arizona (English Literature)	Aug, 1986
BA	Cornell University (English Literature)	May, 1983

TEACHING EXPERIENCE

University of Florida Levin College of Law, Gainesville, Florida – (5/98 – present)

Professor – (8/04 – present) – Constitutional law; Property; Estates and Trusts; English Legal History, Estates and Future Interests, Advanced Constitutional Law – Takings and Due Process.

Associate Professor – (8/01-8/03) – Property, Estates and Trusts, Advanced Constitutional Law, History of Women in the Law, English Legal History

Assistant Professor – (5/98-8/01) – Property, Estates and Trusts, Advanced Constitutional Law, History of Women in the Law, English Legal History

Indiana University School of Law, Indianapolis, Indiana – (8/96 - 5/98)

Adjunct Professor -- Property I and II, Feminist Jurisprudence, and supervised advanced research in theories of property.

Arizona State University College of Law, Tempe, Arizona – (8/93 - 5/94)

Visiting Assistant Professor of Law -- History of Women in the Law, English Legal History, Franchise Law, and Conflict of Laws

SCHOLARSHIP

Books

From Feudalism to Family Law: Interspousal Custody Disputes and the Impossibility of Mother's Rights. (in progress)

Book Chapters

The Legacy of Colonialism: Law and Women's Rights in India, Cambridge University Press (co-authored with Varsha Chitnis) (refereed) forthcoming.

"Hogwarts, the Family, and the State: Forging Identity and Virtue in Harry Potter," forthcoming Carolina Academic Press book on Harry Potter and the Law, (2008).

"Rails-to-Trails: Conversion of Railroad Corridors to Recreational Trails," Wolf (ed), *78A Powell on Real Property*, 78A1-78A123 (2007) (plus periodic updates).

Law Review Articles

The Confluence of Federal Railroad and Indian Land Policies, in progress.

"The Shifting Sands of Property Rights, Federal Railroad Grants, and Economic History: *Hash v. U.S.* and the Threat to Rail-Trail Conversions," 38 *Environmental Law* 711-766 (2008).

"Charitable Deductions for Rail-Trail Conversions: Reconciling the Partial Interest Rule and the National Trails System Act" (co-authored with Scott Bowman), 32 *Wm. & Mary Env't'l L & Pol'y Rev.* 1-57 (2008).

"The Legacy of Colonialism: Religion, Law, and Women's Rights in India" (co-authored with Varsha Chitnis), 64 *Washington & Lee Law Review* 1315-1348 (2007)

"Collapsing Liberalism's Public/Private Divide: Voldemort's War on the Family," in The Harry Potter Panel: Harry Potter and the Law, 12 *Texas Wesleyan Law Review* 434-441, (2005).

"Well-Behaved Women Don't Make History: Rethinking Family, Law, And History Through An Analysis Of The First Nine Years Of The English Divorce And Matrimonial Causes Court (1858-1866)," 2005 *Wisconsin Women's Law Journal* 211-318, (2005).

"The Logic and Experience of Law: Lawrence v. Texas and the Politics of Privacy," 15 *Fl. J. of Law & Pub. Pol'y* 423-441 (2004).

"A New Time For Denominators: Toward A Dynamic Theory Of Property In Regulatory Takings' Relevant Parcel Analysis," 34 *Environmental Law* 175-245, (2004), reprinted in *2005 Planning and Zoning Law Handbook*, (Thomson/West).

"Untying the Knot: An Analysis of the English Divorce and Matrimonial Causes Court Records, 1858-1866," 38 *Univ. of Richmond Law Review* 903-1010, (2004).

"Shaken, Not Stirred: Has *Tahoe-Sierra* Settled or Muddied the Regulatory Takings Waters? 32 *Environmental Law Review* 11177-11189 (2002).

"The Crisis of Child Custody: A History of the Birth of Family Law in England," 11 *Columbia Journal of Gender and the Law* 175-270 (2002).

"Eminent Domain, Exactions, and Railbanking: Can Recreational Trails Survive the Court's Fifth Amendment Jurisprudence?" 26 *Columbia Journal of Environmental Law*, 399-481 (2001).

"Foreword: Toward a Multicultural Theory of Property," introduction to AALS 2000 Panel on Property Law, symposium in 12 *Florida Journal of Law and Public Policy* 1-12 (Spring 2001).

"Pipes, Wires, and Bicycles: Rails-to-Trails, Utility Licenses, and the Shifting Scope of Railroad Easements from the Nineteenth to the Twenty-First Centuries," (co-authored with Jeffrey M. Hester), 27 *Ecology Law Quarterly* 351-465 (May, 2000).

"Trains, Trails and Property Law: Indiana Law and the Rails-to-Trails Controversy," 31 *Indiana Law Review* 753-780 (1998)

"Private Rights and Public Ways: Property Disputes and Rails-to-Trails in Indiana," 30 *Indiana Law Review* 723-761(1997).

"Captive Gas and Condemned Trash: Highs and Lows in Indiana Property Law in 1996," 30 *Indiana Law Review* 1269-1289 (1997).

"The Golden Arches Meet the Hallowed Halls: Franchise Law and the Law School Curriculum," 45 *Journal of Legal Education* 119-129 (1995).

Refereed Journal Articles

"Legal Rights and Women's Autonomy: Can Family Law Reform in Muslim Countries avoid the Contradictions of Victorian Domesticity?" 5.1 *Hawwa: Journal of Women of the Middle East and the Islamic World* 33-54 (2007).

"The 'Anti-Boomer Effect': Property Rights, Regulatory Takings, and a Welfare Model of Land Ownership" 6 *Australia Journal of Legal History* 1-28 (Summer, 2000).

"*De Manneville v. De Manneville*: Rethinking the Birth of Custody Law Under Patriarchy," 17 *Law and History Review* 247-307 (1999).

OTHER LEGAL WRITINGS

Amicus Brief to Court of Appeals, Federal Circuit in *Hash v. U.S.*, No. 03-1395 (Oct. 2003)

Amicus Brief to Iowa Supreme Court in *Lowers v. U.S.*, 1-99-CV-90039 (March, 2002).

Amicus Brief to New Hampshire Supreme Court in *Malnati v. U.S.* (October, 2001).

Amicus Brief to S. D. Indiana in *Schmitt v. U.S.* (August 2002)

SELECT PRESENTATIONS

Commentary on works by John Echeverria and James Ely, Jr. at Nelson Symposium on Local Government, February 13, 2009, Gainesville, Florida.

Making a HASH of Federal Transportation and Railbanking Policies, Amer. Const. Society, UF Levin College of Law, Feb. 20, 2008.

Power, Intimacy, and Rights: The Legalization of Family Discourse in one Victorian Marriage, Cornell University Faculty Colloquium, Nov. 3, 2007.

Rail-Trails and Railbanking: How Can Something so Simple be so Complex, Sept. 28, 2007 - UF Levin Coll. of Law.

The Legacy of Colonialism: Religion, Law, and Women's Rights in India, presented to Symposium on Gender-Relevant Legislative Change in Muslim and non-Muslim Countries, Washington and Lee University, March 30-31, (2007).

"Power, Intimacy, and Rights: The Legalization of Family Discourse in the Victorian Marriage," presented to the American Society for Legal History, Annual Conference, Baltimore, MD, November 16-19, 2006.

"Family Law and the Unfulfilled Promise of the 1858 Divorce Court," presented to the American Society for Legal History, Annual Conference, Cincinnati, Ohio, November 11-12, 2005.

"Institutional Barriers to Women's Rights in Nineteenth-Century English Family Law," invited to present at a workshop on gender-relevant legislation in Muslim and non-Muslim countries by the Islamic Legal Studies Program at Harvard Law School. (October 1-3, 2005)

"Domestic Relations in Mid-Century: A History of the First Nine Years of the Divorce and Matrimonial Causes Court (1858-1866)," American Society for Legal History, Annual Conference, Washington, DC, October 13-16, 2003.

Commentator at Third annual Nelson Symposium, University of Florida, October 3, 2003.

"Current Issues in Rail-Trail Litigation," Trailink 2003 – Rails- to-Trails Conservancy's biannual National Conference, June 27-29, 2003, Providence, Rhode Island.

"Legal Aspects of Rail-Trail Development after TEA-21," International Right-of-Way Association's National Conference, June 19, 2003, Kansas City, Kansas.

"Domestic Relations in Mid-Century: A History of the First Nine Years of the Divorce and Matrimonial Causes Court (1858-1866)," 3rd annual Stanford/Yale Jr. Faculty Forum, May 31-June 1, 2002.

"Domestic Relations in Mid-Century: A History of the First Nine Years of the Divorce and Matrimonial Causes Court (1858-1866)," Univ. of Florida, Levin College of Law, (November 16, 2001); Washington and Lee College of Law (January 21, 2002) and New York University Legal History Colloquium (February 6, 2002).

"Legal Issues Workshops on railroad corridors and railbanking statute," Trailink 2001: 3rd International Trails and Greenways Conference, St. Louis, Missouri, September 26-29, 2001.

"Legal Issues Workshop," Indiana Parks and Recreation Assn, all-day forum on legal issues related to trails, railroad and utility rights of way, and federal takings, June 5, 2001.

"Gendered Expectations in Early Nineteenth-Century English Family Law Reform," presented to the Young Scholars Workshop of the Southeastern Conference of the AALS, July 30-Aug 4.

"The Crisis of Child Custody: A History of the Birth of Family Law in England," presented at the Women and the Law Conference, University of Westminster, London, England, June 23, 2000.

"The Crisis of Child Custody: A History of the Birth of Family Law in England," presented to the First annual Stanford/Yale Jr. Faculty Forum, May 13, 2000.

"Gendered Expectations in Early Nineteenth-Century English Family Law Reform," presented to the Center for Women's Studies and Gender Research, Univ. of Florida, Colloquium Series, April 7, 2000.

Chair, Property Section, AALS Annual Meeting, January, 2000, speaking on the history of property rights.

"Private Land and Public Spaces: Can Liberalism Cure the Regulatory Takings Muddle?" presented to Australia and New Zealand Legal History Society, Annual Meeting, July 10, 1999.

"Recent Developments in Takings and Greenways Law," Annual Meeting of Florida Trust for Historic Preservation, Gainesville, Florida, May 6, 1999.

"Recent Developments in Takings and Greenways Law," 2nd Annual Indiana Greenways Conference, Indianapolis, Indiana, February 22, 1999.

"Railroad Conversions, Rails-To-Trails, and Property Law: A National Perspective," International Trails and Greenways Conference, San Diego, California, January 29, 1998.

"Railroad Conversions to Linear Trails: Indiana Property Law and the Rails-to-Trails Movement," Indiana Continuing Legal Education Seminar, July 16, 1997.

"Railroad Conversions to Linear Trails: Enduring Easement Problems in Abandoned Railroad Corridors," International Right-of-Way Association, June 6, 1997.

"Theorizing History: Rethinking the Birth of Custody Law," Law and Society Annual Meeting, May 29, 1997

"Legal Issues of Rails-to-Trails," Legal Seminar for the Hoosier Rails-to-Trails Council, May 3, 1997.

OTHER LEGAL EXPERIENCE

Submitted Testimony, Surface Transportation Board, July 8, 2009, regarding railbanking statute.

Invited to Submit Testimony, U.S. House Judiciary Committee's Subcommittee on Administrative Law, regarding railbanking statute, June, 2002.

Expert Witness and consultant for U.S. Dept. of Justice in multiple cases involving challenges to the federal railbanking statute (October, 2000 – 2005).

Expert Witness and Consultant for Internal Revenue Service in multiple cases involving railroad title disputes, (Spring, 2003 – present).

Consultant to Rails-to-Trails Conservancy, Washington, D.C., non-profit organization facilitating conversion of abandoned railroad corridors to recreational trails, (1998-present)

Expert Witness for Penn. Central Transportation Co. on Railroad Deed Interpretation for Firestone, et. al. v. Penn. Central, et. al., Superior Court, Hamilton County, Indiana (July, 1999 – 2001) and Maas v. Penn Central, et. al., Superior Court, Ohio (October 2001-present). Also consultant in takings case against Amtrak filed by Penn. Central Transportation Co. in September, 2008.

Expert Witness for Union Pacific Railroad on nationwide class action case involving telecommunications licenses in railroad corridors (July, 2000 - 2003).

Expert Witness for Camas Prairie RailNet, Inc. on Railroad Deed Interpretation for abandonment proceedings before the Surface Transportation Board, (July, 2000 – October, 2000).

Brownstein Zeidman & Lore, Washington, DC – (7/91-8/92)

Contract Attorney worked part-time in litigation department of premier franchise law firm. Duties included researching and writing memoranda and court briefs, preparing cases for trial, and researching and writing appellate memoranda.

Summer Associate for summer 1990. Completed assignments in areas of litigation, franchising, commercial real estate, and securities. Wrote numerous memoranda, assisted with securities closing, attended depositions, and wrote articles for trade journals and Federal Publications Manuals.

REVIEWS

Peer reviewed articles for:

American Political Science Review
Law and History Review
Law and Social Inquiry
Journal of Law and Religion
Southern History Review

Encyclopedia Entries:

Child Custody – Reader's Guide to the Social Sciences
Guardianship – Reader's Guide to the Social Sciences

MEMBERSHIPS

Law and Society Association
American Society for Legal History
Assoc. of American Law Schools Section on Property (Chair -2001) (Past Chair – 2002)
National Women's Studies Assn.
Society of American Law Teachers
Association of Academic Women (Treasurer, June 2000 - 2003)
Berkshires Conference of Women Historians

TEACHING INTERESTS

Constitutional Law, Property, Trusts and Estates, Legal History, Family Law, Jurisprudence, Law and Literature, Feminist Theory, Historic Preservation, Future Interests

SERVICE

Levin College of Law:

2009-2010 – P&T File Committee (Chair)
2008-2009 – Appointments Committee (Co-Chair)
2007-2008 – P&T File Committee
2006-2007 – Shared Governance Task Force, P& T file committee
2005-2006 – Financial Aid Committee (Chair)
2004-2005 – Faculty Development Committee (Chair – spring 2005); Appointments Committee, Academic Programs, E&T Program
2003-2004 – Appointments Committee, Academic Programs, Non-Tenure-track Appointments and Review Committee, E&T Program
2002-2003 – Academic Programs, Academic Standards, E&T Program
2001-2002 – Appointments Committee, E&T Program
2000-2001 – Appointments Committee, Honor Committee
1999-2000 -- Ad Hoc Committee on Adjuncts, Facilities Committee, Honor Committee
1998-2000 – Honor Committee

UF Campus:

2009-2010 – Academic Policy Council (Chair)
2008-2009 – Senate Steering Committee, Academic Policy Council (Chair)
2007-2008 – Senate Steering Committee, Academic Policy Council
2006-2007 – Chair, University of Florida Faculty Senate, Senate Steering Committee, Faculty Representative to University of Florida Board of Trustees
2005-2006 – Chair-Elect of Faculty Senate, Senate Steering Committee, Constitution Committee, Joint Task Force on Shared Governance
2004-2005 – University Constitution Committee, Faculty Senate, Ad Hoc Joint Senate Committee on Tenure
2003- 2004 – Senate Committee on Senate Structure and Effectiveness, Faculty Senate
2002-2003 – Faculty Senate, Treasurer of Assn. of Academic Women
2001-2002 – Committee on Preservation of Historic Buildings and Sites, Treasurer of Assn. of Academic Women.
2000-2001 – Committee on Preservation of Historic Buildings and Sites, Assn. of Academic Women.
1999-present – Executive Committee, Center for Women’s Studies and Gender Research

Gainesville and Surrounding Community:

Big Brothers, Big Sisters of Greater Gainesville
Board Member, 2000-2006
Secretary and member executive committee, 7/2001-6/2002
President and member executive committee, 7/2003 – 7/2005
Elected to Town Council, Town of McIntosh, Nov. 2003 – July, 2006

Pro Bono Legal Activities:

Submitted testimony before the Surface Transportation Board regarding railbanking statute, July, 2009.

Submitted testimony (by invitation) before U.S. House Judiciary Committee's Subcommittee on Administrative Law, regarding railbanking statute, June, 2002.

Consultant for the National Rails to Trails Conservancy, Washington, DC (1998 – present). Submitted six expert declarations for various pending lawsuits on behalf of the Rails To Trails Conservancy.

Consultant for the Indiana Trails Action Group (1997 – 2004).

Consultant for the Indiana General Assembly on revisions and amendments to state statutes on rail corridor lands and trail development (1998-1999).

GRANTS AND HONORS:

Awarded the Clarence J. TeSelle Professorship of Law (Oct. 2008 – present)

Awarded the University of Florida Research Foundation Professorship (2007-2009).

“Well-Behaved Women Don't Make History: Rethinking Family, Law, and History Through an Analysis of the First Nine Years of the English Divorce and Matrimonial Causes Court (1858-1866),” received the Donald Sutherland Prize for best article in English Legal History for 2005 by the American Society for Legal History.

Domestic Relations in Mid-Century: A History of the First Nine Years of the Divorce and Matrimonial Causes Court (1858-1866), chosen by the 3rd annual Stanford/Yale Jr. Faculty Forum as the top paper in Family Law. Invited to present paper at forum, May 31-June1, 2002.

“The Crisis of Child Custody: A History of the Birth of Family Law in England,” chosen by the Stanford/Yale Jr. Faculty Forum as the top paper in Law and Literature and second papers in Gender Studies and Critical Legal Studies categories. Invited to present paper at Jr. Faculty Forum, May 13-14, 2000, New Haven, CT.

February 1999 – Selected as Outstanding Indiana Trails Advocate at Indiana Greenways Conference.

May 1991 -- Graduated cum laude from Cornell University Law School.

Summer 1990 -- Invited to join Cornell Law Review but declined in order to attend New York University

REFERENCES are available upon request