

## ELIOT T. TRACZ

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### Teaching Appointments

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

Faculty Fellow 2022 - Present

- Courses Taught: Property I; Property II; Sexual Orientation, Gender Identity, and the Law; Software and the Law
- Service: Taskforce on the Lawyering Experience
- Faculty Advisor: Space Law Society, If/When/How

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

Adjunct Professor 2020 - 2021

- Courses: Legal Research, Analysis and Writing

### 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, Black Law Students Association

#### **Coe College**

Bachelor of Arts, Political Science 2010

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

### 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

## **Community Engagement**

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Bisexual Resource Center  
Board Member 2023- Present

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

## **Presentations & Panels**

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### Symposia, Conferences, & Colloquia

*But Who Gets the Fancy Dishes? Property Problems in the New Non-Marriage*

- Fifth Non-Marriage Round Table (Rutgers Law School)  
(Upcoming, September 2023)

*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)  
(Upcoming, November 2023)

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

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

### Panels & Presentations

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

## Publications

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### Scholarly Publications

1. Eliot T. Tracz, *Drag: Art. Obscenity. Crime*, 23 Conn. Pub. Int. L. J. \_\_\_\_ (2023) (Forthcoming).
2. 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. \_\_ (Forthcoming) (2023).
3. Eliot T. Tracz, *Queer: Litigating Gender Non-Conformity*, 32 Amer. U. J. Gender, Soc. Pol'y and L. \_\_ (Forthcoming) (2023).
4. 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).
5. Eliot T. Tracz, *The Inscrutable Bisexual: An Essay on Bisexuality and Immutability*, 21 Seattle J. Soc. Just. 917 (2023).
6. Eliot T. Tracz, *Textualism and the Living Constitution*, 58 Idaho L. Rev. \_\_ (2023) (Forthcoming).
7. Eliot T. Tracz, *Words and Their Meanings: The Role of Textualism in the Progressive Toolbox*, 45 Seton Hall Leg. J. 355 (2021).
8. Eliot T. Tracz, *What Next for the Indirect Purchaser Rule?*, 51 Cumberland L. Rev. 43 (2020).
9. Eliot T. Tracz, *Towards a Preamble Based Theory of Constitutional Interpretation*, 56 Gonzaga L. Rev. 95 (2020).
10. 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).

11. Eliot T. Tracz, *Doctrinal Evolution and the Right Against Self-Incrimination*, 18 U. N. H. L. Rev. 109 (2019).
12. 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).
13. Eliot T. Tracz, *Separation of Powers as Grounds for Interlocutory Appeals*, 49 Cumberland L. Rev. 307 (2019).
14. 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).
15. Eliot T. Tracz, *Is Natural Law A Public Good?*, 25 Cardozo J. of Equal Rights and Soc. Justice 43 (2018).
16. Eliot T. Tracz, *Forum Shopping: Defensive Abuse of Intrastate Forum non Conveniens*, 59 S. Tex. L. Rev. 421 (2018).
  - Cited by *José V. RODRÍGUEZ RODRÍGUEZ v. MUNICIPIO DE VEGA BAJA*, 2019 WL 7758582 \*6 (TCA).
17. Eliot T. Tracz, *Half-Truths, Empty Promises, and Hot Coffee: The Economics of Tort Reform*, 42 Seton Hall Leg. J. 311 (2018).
18. Eliot T. Tracz, *Holmes, Doctrinal Evolution, and Premises Liability: A Perspective on Abolishing the Invitee-Licenses Distinction*, 42 T. Marshall L. Rev. 95 (2018).
19. 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).
20. Eliot T. Tracz, *Discrimination and the Limits of Textualism*, 6 Ind. J. of L. and Soc. Equality 33 (2018).
21. Eliot T. Tracz, *Doctrinal Evolution and the Living Constitution*, 42 U. Dayton L. Rev. 257 (2018).
22. 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).
23. Eliot T. Tracz, *Discharging the Dinosaur: Is the Time of the Brunner Test Past?*, 3 Bus. & Bankr. L.J. 229 (2016).
24. 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, *What People Are Getting Wrong About the Supreme Court's "First Amendment Right to Discrimination" Ruling*, The Messenger July 20, 2023.
2. 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.
3. 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. *But Who Gets the Fancy Dishes? Property Problems in the New Non-Marriage* (forthcoming).
2. *The Role of Storytelling in Bisexual Jurisprudence* (forthcoming).