

Vivian Eulalia Hamilton

William & Mary Law School
vhamilton@wm.edu | 757.221.3839 | [LinkedIn](#)

Curriculum Vitae

Education

J.D., *cum laude* – HARVARD LAW SCHOOL, Cambridge, MA (1997)

B.A. History –YALE COLLEGE, New Haven, CT (1992)

Professional Experience

WILLIAM & MARY LAW SCHOOL, Williamsburg, VA

Professor of Law (2014 to Present)

Director, Center for Racial & Social Justice (August 2020-Present)

Mellon Faculty Fellow (January 2020 to Present)

Affiliated Professor, Gender, Sexuality, & Women's Studies (2015 to Present)

Associate Professor of Law (2007 to 2014)

Courses: Education Law; Family Law; Federal Civil Procedure; Gender, Sexuality, & Law; Race, Law, & Lawyering in Diverse Environments.

Seminars: Adolescents & Law; Constitution & the Family; Higher Education Law; Sex & the Constitution.

Faculty Advisor: *Journal of Race, Gender, & Social Justice*, Black Law Students' Association, Equality Alliance.

WEST VIRGINIA UNIVERSITY COLLEGE OF LAW, Morgantown, WV

Associate Professor of Law (2004 to 2007)

Courses: Advanced Family Law Advocacy; Family Law; Federal Civil Procedure I & II.

Faculty Advisor: College of Law Chapter of the American Civil Liberties Union; Gay, Lesbian, Alternative, & Straight Student Alliance.

AMERICAN UNIVERSITY WASHINGTON COLLEGE OF LAW, Washington, DC

Director, Women & the Law Clinic (2003 to 2004)

Practitioner-in-Residence, Women & the Law Clinic (2000 to 2003)

As Director, managed day-to-day operation of Clinic serving low-income clients in range of legal matters in D.C. courts and administrative agencies. Supervised teams of student attorneys, revised curriculum, and co-taught seminar component of clinic.

Additional Experience

Staff Attorney, LEGAL AID SOCIETY OF WASHINGTON, D.C., Washington, D.C.

Associate, Litigation Group, STEPTOE & JOHNSON LLP, Washington, D.C.

Law Clerk, THE HON. GLADYS KESSLER, U.S. DISTRICT COURT FOR THE DISTRICT OF COLUMBIA, Washington, D.C.

Teaching Assistant | Research Assistant, TRIAL ADVOCACY WORKSHOP, PROF. CHARLES OGLETREE, HARVARD LAW SCHOOL, Cambridge, Mass.

Legal Intern, D.C. PUBLIC DEFENDER SERVICE, Washington, D.C.

Exceptions & Appeals Analyst, OFFICE OF HEARINGS & APPEALS, U.S. DEPARTMENT OF ENERGY, Washington, D.C.

Select Law School / University Leadership

WILLIAM & MARY, Williamsburg, Va.

Chair, Equity & Inclusion Committee (August 2020-Present)

Appointed by Dean to lead Committee in preparing a plan including recommendations to make the Law School a more equitable and inclusive environment.

Co-Chair, University Procedural Review Committee (2021 to Present; member, 2019-21)

Elected by Law School faculty to university-wide committee that reviews procedures established by departments and schools for the evaluation of faculty members regarding evaluation, retention, promotion, and tenure. Committee also considers petitions from individual faculty members concerning academic freedom and tenure.

Law School Appointments Committee (Member, 2021-present & 2015-18; Chair, 2017-18)

As Chair, steered process to recruit and hire faculty candidates. With Committee members, reviewed scholarship and conducted interviews. Coordinated campus visits and served as candidates' primary contact with Law School. Led all-faculty fora to discuss candidates. Guided Committee deliberations and recommended candidates to faculty for vote. Process resulted in successful hire of tenure-track professor, clinical instructor, and visiting professors.

Law School Curriculum Committee (2019 to Present; 2010 to 2011)

Appointed by Dean in 2019 to study and recommend changes to grading curve. In previous term, proposed and gained faculty approval for revision of 1L curriculum to reallocate credits across doctrinal and legal writing courses, changes to writing requirements for graduation.

Chair, Subcommittee on Recruitment, Support, & Retention—Diversity & Inclusion Task Force (2018 to 2019)

Appointed by Dean to make recommendations for improving outcomes in recruiting, supporting, and retaining diverse student body, faculty, administration, and staff. Gathered data on composition of law school community, researched best practices, partnered with subcommittee members to report data in easily-accessible format, and drafted section incorporated into final Inclusion Task Force Report.

Member, Executive Board of Directors, Gender, Sexuality, & Women's Studies Program (2015 to 2019)

Participated in program development, evaluated requests from student organizations for funding, reviewed and voted on faculty applications for promotion and tenure.

Conference Organizer, *The First Amendment Under Fire: A Symposium on Speech, Protest, and the Role of State Actors* (February 2018)

Following a student protest that shouted down a campus speaker, proposed and obtained support of University President and A.C.L.U.-VA to co-sponsor a conference that brought together national experts on First Amendment. Participants included A.C.L.U. President, University President, and First Amendment scholars and activists.

Chair, Subcommittee on Student Life—ABA Self-Study Committee (2015 to 2016)

As part of Law School reaccreditation and AALS membership processes, revised and conducted student survey, analyzed results, and drafted section of Law School Self-Study submitted to the ABA site evaluation team in advance of ABA site visit.

Member, Dean's Performance Evaluation Committee (2015 to 2016)

Appointed by Provost to five-member committee. Analyzed results of constituent surveys and conducted interviews. Assisted in drafting and revising report submitted to Provost.

Co-Chair, Subcommittee on Academic Life & Recruitment/Retention, LGBTQ Working Group (2015 to 2016)

Appointed by President to lead college-wide study of and recommendations for relevant academic programs and recruitment, support, and retention of LGBTQ students. Drafted section of report submitted to President.

Founding Member, National Coalition to End Child Marriage in the U.S. (2018 to present)

Partner with nonprofits and legislators to develop strategies to propose and promote state legislation for raising marriage age to prevent child marriages; provided oral and written testimony to multiple state legislative committees considering bills.

Parliamentarian, West Virginia University Faculty Senate, Morgantown, WV (2005 to 2007)

Service

AMERICAN CIVIL LIBERTIES UNION—VIRGINIA, Richmond, Va.

Vice President (July 2020 to Present)

Chair, Governance & Nominations Committee (2016 to Present)

Vice Chair, Governance & Nominations Committee (2014 to 2016)

Member, Legal Committee (2009 to Present)

Member, Subcommittee to Develop Gender Equality Project (2010 to 2011)

Member, Board of Directors (2009 to Present)

Chair of standing Committee charged with board development, ensuring board effectiveness, and identifying, cultivating, and nominating potential Board members. Work with Executive Director and Committee members to identify priorities and develop annual agenda. Conduct and analyze comprehensive biannual survey of Board members; utilized insights to inform needed reforms. Initiated reduction in Board size to increase Board effectiveness. Developed process for onboarding new Board members through instruction and formal mentorship. With E.D. and staff, developed webinar series for Board member education (topics include financial structures and budgets, organizational structures, and programs). Serve as a formal mentor to newer Board member. Identify, cultivate, and nominate candidates for election to Board and as Board officers, consistent with National Diversity and Affirmative Action goals. Review budget (quarterly) and audit (annually) to ensure sound fiscal practices and accountability.

AMERICAN LAW INSTITUTE, Washington, D.C.

Member (2019 to Present)

Member Consultative Group, RESTATEMENT OF THE LAW, CHILDREN AND THE LAW

Member Consultative Group, PRINCIPLES OF THE LAW, STUDENT SEXUAL MISCONDUCT: PROCEDURAL FRAMEWORKS FOR COLLEGES AND UNIVERSITIES

AMERICAN BAR FOUNDATION, Washington, D.C.

Fellow (2020 to Present)

Member, Washington DC Fellows

ASSOCIATION OF AMERICAN LAW SCHOOLS, Washington, D.C.

Chair, Program for Pre-Tenured Faculty of Color (2019 to 2020)

Led Committee to develop program for 2021 AALS Annual Meeting.

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SECTION ON FAMILY & JUVENILE LAW, ASSOCIATION OF AMERICAN LAW SCHOOLS, Washington, D.C.

Chair (2011 to 2012)

Chair-Elect & Program Chair (2010 to 2011)

Secretary-Treasurer (2009 to 2010)

Executive Committee Member (2009 to 2016)

Founding Chair, Subcommittee on Scholarship Review (2007 to 2009)

Elected to lead national organization of family law scholars. Spearheaded development of annual meeting program. As Scholarship Review Chair, developed volunteer database and assigned research review to provide feedback on scholarship to newer family law scholars.

AMERICAN CIVIL LIBERTIES UNION—VIRGINIA, Charleston, W.V.

Member, Board of Directors (2006 to 2007)

BLACK STUDENT FUND, Washington, D.C.

Member, Board of Trustees (2001 to 2006)

Instructor, Seminar on Cross-Racial Communication (2002 to 2004)

Chair & Co-Founder, Black Student Fund Alumni Association (1998 to 2001)

Co-founded association of alumni recipients of Fund's support. As Chair, initiated mentoring program for existing students, provided support for Fund programs. Taught seminar on cross-racial communication to teachers at independent schools.

WILLIAMSBURG REGIONAL LIBRARY FOUNDATION, Williamsburg, Va.

Member, Board of Directors (2009 to 2012)

Served on Subcommittee to Revise Mission Statement, adopted by full Board.

FREDERICK B. ABRAMSON MEMORIAL FOUNDATION, Washington, D.C.

Member, Board of Trustees (2000 to 2006)

Chair, Fellowship Grant Committee (2003 to 2005)

Treasurer (2001 to 2003)

As Treasurer, initiated and oversaw transition from cash basis to accrual accounting method. Reviewed budgets and ensured sound fiscal accountability. Solicited and led Committee review of applications for fellowship grants from recent law school graduates seeking to work with D.C. public interest organizations

Publications

Rethinking the Age of Majority, forthcoming in THE OXFORD HANDBOOK OF DEVELOPMENTAL PSYCHOLOGY AND THE LAW (Jodi Quas & Allison Redlich, eds. 2022)

Reform, Retrench, Repeat: The Campaign Against Critical Race Theory, Through the Lens of Critical Race Theory, 28 WM. & MARY J. RACE, GENDER & SOC. JUST. 61 (2021)

Home, Schooling, and State: Education in, and for, a Diverse Democracy, 98 N.C. L. REV. 1347 (2020)

Play Now, Pay Later?: Youth and Adolescent Collision Sports, 71 HASTINGS L.J. 151 (2019)

Considerations for Policymaking Affecting Adolescents in the Liberal Democracy, in OXFORD HANDBOOK OF CHILDREN & THE LAW, James G. Dwyer, Ed. Oxford University Press (2019)

Adulthood in Law & Culture, 91 TULANE L. REV. 55 (2016)

Liberty Without Capacity: Why States Should Ban Adolescent Driving, 48 GA. L. REV. 1019 (2014)

The Age of Marital Capacity: Reconsidering Civil Recognition of Adolescent Marriage, 92 B.U. L. REV. 1773 (2012)

Democratic Inclusion, Cognitive Development, and the Age of Electoral Majority, 77 BROOK. L. REV. 1 (2012)

Immature Citizens and the State, B.Y.U. L. REV. 100 (2010)

Expressing Community Values through Family Law Adjudication, 77 U.M.K.C. L. REV.1 (2008)

Family Structure, Children, and Law, 24 WASH. U. J. OF LAW & POL'Y 9 (2007)

Will Marriage Promotion Work?, 11 IOWA J. OF GENDER, RACE, & JUSTICE 1 (2007)

Religious v. Secular Ideologies and Sex Education: A Response to Professors Cahn and Carbone, 110 WEST VIRGINIA UNIVERSITY LAW REVIEW 501 (2007)

Principles of U.S. Family Law, 75 FORDHAM L. REV. 31 (2006)

Mistaking Marriage for Social Policy, 11 VA. J. OF SOC. POL'Y & L. 307 (2004), excerpted in MODERN FAMILY LAW: CASES AND MATERIALS 368-70, D. Kelly Weisberg & Susan Frelich Appleton eds., 3d ed. (2006)

Select Presentations

- Panelist, *Understanding the Politics of Critical Race Theory*, CNU-Hampton Roads Social Justice Conference (April 2022)
- Panelist, *Voting Eligibility—Age*, Massachusetts Civic Learning Week (March 2022)
- Panelist, *The Campaign Against CRT*, J. OF RACE, GENDER, & SOCIAL JUSTICE Symposium (February 2022)
- Keynote Speaker, *Critical Race Theory and Public Education in Virginia*, Virginia Council of Churches (February 2022)
- Speaker (with A.G. Mark Herring), *19th Amendment & ERA*, Virginia State Bar Annual Meeting (June 2021)
- Panelist, *Reparations Roundtable*, The Lemon Project (April 2021)
- Faculty Workshop, *Homeschooling*, Chicago-Kent Law School (February 2021)
- Keynote Address, *On Black Lives Matter*, Norfolk & Portsmouth Bar Assn. Mtg. (January 2021)
- Workshop Presentation, *Black Lives Matter & Critical Race Theory*, Latina Scholars Workshop (January 2021)
- Panelist and Organizer, *Insurrection at the Capitol* (January 2021)
- Speaker, *Transgender Students in Public Schools*, Family & Education Law Society (November 2021)
- Panelist, Family Law Scholars & Teachers Conference, *A U.S. History of Adolescents & Law*. (July 2019)
- Speaker, Symposium on the Equal Rights Amendment, VIRGINIA EQUAL RIGHTS COALITION. (November 2018)
- Keynote Speaker, Annual Meeting, VIRGINIA ASSOCIATION OF WOMEN LAWYERS. (October 2018)
- Panelist, *The Kennedy Retirement: A Retrospective and a Gaze at the Future*, SOUTHEASTERN ASSN. OF LAW SCHOOLS ANNUAL MEETING. (August 2018)
- Symposium Organizer, *The First Amendment Under Fire: A Symposium on Speech, Protest, and the Role of State Actors*, WILLIAM & MARY LAW SCHOOL, Williamsburg, VA. (February 2018)
- Witness, Testimony in Support of Raising Marriage Age in the State of Maryland, before HOUSE JUDICIARY COMMITTEE OF THE MARYLAND GENERAL ASSEMBLY. (February 2018)
- Blackstone Lecturer, *Adolescent Capacity (In Context)*, WILLIAM & MARY LAW SCHOOL. (March 2018)
- Speaker, on campus, WILLIAM & MARY LAW SCHOOL AND COLLEGE OF WILLIAM & MARY, (October 2017, January 2018)
- Speaker, *Racial Justice and the Right to Vote*, Husted v. A. Philip Randolph Inst., UNIV. OF RICHMOND SCHOOL OF LAW, Richmond, VA. (November 2017)
- Speaker, *Confederate Monuments & State Law*, WILLIAM & MARY LAW SCHOOL. (September 2017)
- Speaker, *Implicit Bias in Judicial Decisionmaking*, NATIONAL CENTER FOR STATE COURTS. (August 2017)
- Speaker, *Adulthood in Law & Culture*, UNIVERSITY OF GEORGIA SCHOOL OF LAW FACULTY WORKSHOP, Athens, GA. (March 2016)
- Speaker, *On Griswold and Women's Equality*, Center for Global Justice, Human Rights, and the Rule of Law 5th Annual Symposium, Women's Rights: 50 Years After Griswold v. Connecticut, REGENT UNIVERSITY SCHOOL OF LAW. (March 2016) Remarks published in REGENT J. OF GLOBAL J. & PUB. POL'Y.
- Speaker, *Rights of Transgendered Students in Public Elementary and Secondary Schools*, Symposium, Advancing LGBTQIA Rights in a Post-Obergefell World, held at WILLIAM & MARY SCHOOL OF LAW. (February 2016)

Witness, Testimony in Support of Raising Marriage Age in the Commonwealth of Virginia, before House and Senate Committees, VIRGINIA GENERAL ASSEMBLY. (January 2016)

Speaker, *The Age of Marital Capacity*, Faculty Workshop, UNIVERSITY OF VIRGINIA SCHOOL OF LAW, Charlottesville, VA. (April 2013)

Speaker, *Liberty Without Capacity: Why States Should Ban Adolescent Driving*, Faculty Scholarship Conference, TULANE LAW SCHOOL, New Orleans, LA. (October 2012)

Invited Speaker, *Contributions to forthcoming Principles/Restatement on Children and the Law*, AMERICAN LAW INSTITUTE, Philadelphia, Pennsylvania. (September 2012) One of approximately 25 national family and children's law scholars invited to contribute to initial planning meeting.

Speaker, *The Age of Marital Capacity; Parenting and Same-Sex Marriage*, Conference, SOUTHEAST ASSOCIATION OF LAW SCHOOLS, St. Amelia Island. (July 2012)

Panel Speaker, *The Age of Marital Capacity*, INTERNATIONAL SOCIETY OF FAMILY LAW ANNUAL CONFERENCE/MIDWEST ANNUAL CONFERENCE OF FAMILY LAW. (June 2012)

Speaker, *The Age of Electoral Majority*, Conference, SOUTHEAST ASSOCIATION OF LAW SCHOOLS, Palm Beach, FL. (July 2010)

Speaker, *Developing Citizens*, Virginia Junior Faculty Workshop, UNIVERSITY OF RICHMOND SCHOOL OF LAW. (December 2009)

Panelist/Organizer, *Should Civil Marriage Be Abolished?* Conference, SOUTHEAST ASSOCIATION OF LAW SCHOOLS, Palm Beach, Florida. (July 2009)

Speaker, *The Diminishing Right to Parent*, Virginia Junior Faculty Workshop, UNIVERSITY OF RICHMOND SCHOOL OF LAW. (December 2008)

Speaker, *Expressing Community Values Through Family Law Adjudication*, Conference, UMKC SCHOOL OF LAW, "Red State v. Blue State: The Judicial Role in an Era of Partisanship," Kansas City, MO. (September 2008)

Panelist, *The Constitutional Right to Parent the Developing Child*, Conference, SOUTHEAST ASSOCIATION OF LAW SCHOOLS, Palm Beach, Florida. (July 2008)

Keynote Speaker, Annual Martin Luther King Jr. Awards Ceremony, WEST VIRGINIA UNIVERSITY. (January 2007)

Speaker, *Will Marriage Promotion Work?*, Symposium on Welfare Reform in Contemporary America, IOWA UNIVERSITY COLLEGE OF LAW. (October 2006)

Speaker, *The 'Marriage Effect,' Children, and Law*, LAW & SOCIETY Association Meeting, Washington, D.C. (July 2006)

Speaker, *Principles of U.S. Family Law*, VALPARAISO UNIVERSITY SCHOOL OF LAW, Valparaiso, IN. (February 2006); OXFORD UNIVERSITY Round Table, Oxford, England. (March 2006)

Languages

Spanish (formerly fluent, currently conversational)

Paraguayan Guaraní (language of peoples indigenous to central South America; along with Spanish, official language of Paraguay) (casual)

Admitted to practice law in District of Columbia, State of Maryland (inactive)