

SCOTT BARCLAY

**Department of Political Science
University at Albany: SUNY
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Nationality: US and Australian

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ACADEMIC POSITIONS:

- 1999-present Associate Professor,
Department of Political Science
University at Albany, SUNY
Associated Appointments in:
Department of Public Administration and Policy
Department of Women's Studies
- 2003-2004 Visiting Associate Professor,
Legal Studies Program, Department of Politics
University of California, Santa Cruz
- 2000-2001 Visiting Associate Professor,
Department of Political Science
University of Washington
- 1993-1999 Assistant Professor,
Department of Political Science
University at Albany, SUNY
- 1990-1993 Research Assistant,
American Bar Foundation

EDUCATION:

- 1989-1993 Doctor of Philosophy
Department of Political Science,
Northwestern University
Dissertation: "An Appealing Act: Why People Appeal in Civil Cases"
- 1988 Bachelor of Arts Honours - First Class
Department of Government,
University of Queensland
- 1986-1987 Years 1 and 2 of Bachelor of Laws
Department of Law,
University of Queensland
- 1983-1985 Bachelor of Arts
Majors in Government & English Literature,
University of Queensland

PUBLICATIONS AND WRITING:

Book:

An Appealing Act: Why People Appeal in Civil Cases. Northwestern University Press (1999)

Co-Editor of Edited Volume:

Scott Barclay, Anna-Maria Marshall, and Mary Bernstein, *The Challenge of Law: Sexual Orientation, Gender Identity, and Social Movements.* New York: NYU Press (forthcoming 2009)

Peer-Reviewed Articles and Book Chapters:

Anna-Maria Marshall, Mary Bernstein and Scott Barclay, "Introduction," In Scott Barclay, Anna-Maria Marshall, and Mary Bernstein, eds. *The Challenge of Law: Sexual Orientation, Gender Identity, and Social Movements.* New York: NYU Press (forthcoming 2009)

Patricia Woods and Scott Barclay, "Cause Lawyers as Legal Innovators With and Against the State" *Studies in Law, Politics & Society* 45: 203-231 (2008)

Scott Barclay and Shauna F. Fisher, "Said and Unsaid: State Legislative Signaling to State Courts over Same Sex Marriage 1990-2004" *Law & Policy* 30(2): 254-275 (2008)

Scott Barclay and Susan Silbey, "Regime change, public opinion, legitimacy, and legal consciousness," in Keith E. Whittington, R. Daniel Kelemen, and Gregory A. Caldeira (eds), *Oxford Handbook of Law and Politics.* Oxford: Oxford University Press. Pp. 663-678 (2008)

Scott Barclay and Shauna F. Fisher, "Cause Lawyers and Social Movements, Failure and Success: Comparing the Two Waves of Same Sex Marriage Litigation," in Austin Sarat and Stuart Scheingold (eds), *Cause Lawyers and Social Movements.* Palo Alto: Stanford University Press. pp. 84-100 (2006)

Scott Barclay and Anna-Maria Marshall, "Supporting a Cause, Developing a Movement, and Consolidating a Practice: Cause Lawyers and Sexual Orientation Litigation in Vermont," in Austin Sarat and Stuart Scheingold (eds), *The Worlds Cause Lawyers Make.* Palo Alto: Stanford University Press. pp. 171-202 (2005)

"A New Aspect of Lawyer - Client Interactions: Lawyers Teaching Process-Focused Clients to Think About Outcomes" *Clinical Law Review* 11(1): 1-13 (2004)

Anna-Maria Marshall and Scott Barclay, "In Their Own Words: How Ordinary People Construct the Legal World." *Law & Social Inquiry* 28: 617-628 (2003)

Scott Barclay and Shauna F. Fisher, "The States and Differing Impetus for Divergent Paths on Gay Rights, 1990-2001" *Policy Studies Journal* 31: 331-352 (2003) (Finalist for the 2003 Bailey Prize, APSA)

"Appealing (but not Necessarily Winning) to Improve your Social Status" *Law & Policy* 21: 427-443 (1999)

Scott Barclay and Thomas Birkland "Law, Policy Making, and the Policy Process: Closing the Gaps" *Policy Studies Journal* 26, No. 2: 227-243 (1998)

"Keeping their Distance: Appellate Courts and Local Communities" *Judicature* 82, No. 1: 35-38 (1998)

"Posner's Economic Model and the Decision to Appeal" *Justice System Journal* 19: 77-100 (1997)

"The Decision to Self-Represent" *Social Science Quarterly* 77: 912-923 (1996)

Other Publications:

“Conflicts (Disputing) Pyramid” Entry in David S. Clark (ed). *Encyclopedia of Law and Society*. Sage Publications (2007)

Scott Barclay and Shauna F. Fisher, “Abandonment, Emulation, and Cultural Claiming: Litigation and Social Movements in the First Wave of Same Sex Marriage Cases.” *AMICI – The Newsletter of the Sociology of Law Section of the American Sociological Association* 13 (1): 19-23 (2005).

Miriam Gani and Scott Barclay, “The Legal System of Australia,” in Herbert Kritzer (ed.), *Legal Systems of the World: A Political, Social and Cultural Encyclopedia*. ABC-Clio, Vol. 1, pp. 82-89 (2002)

Belotti v. Baird I, in Judith Baer (ed.) *Historical and Multicultural Encyclopedia of Women’s Reproductive Rights in the United States*. Greenwood Press, pp. 32-33 (2002)

"The Act of Appealing: Challenging a Cost/Benefit Analysis" *American Bar Foundation Working Paper Series #9207* (1992)

UNDER REVIEW:**Peer-Reviewed Articles:**

Daniel Chomsky and Scott Barclay “The Editor, the Publisher and his Mother: The Representation of Lesbians and Gays in the *New York Times*, 1960-1995” (Winner of the 2006 Bailey Prize, APSA)

Scott Barclay, “In Search of Judicial Activism in the Same Sex Marriage Cases: Sorting the Evidence from Courts, Legislatures, Initiatives and Amendments” (Revise and Re-Submit at *Perspectives on Politics*)

Scott Barclay “Reading the Writing on the Wall: Print Media as Prompts to Cause Lawyer’s Legal Activities”

WORK IN PROGRESS:**Books:**

Daniel Chomsky and Scott Barclay, *In Bed Together: Mass Media, Public Opinion, and State Policy over Same Sex Marriage*

-- Expected Completion Date of Manuscript: January 2009

-- The role of the print media in shaping public opinion, influencing the decision making of social movements and cause lawyers, and prompting state judicial and legislative action. Using the example of same-sex marriage, we consider the major local newspapers in 15 states over the last 16 years to challenge the dominant ideas about the impact of media coverage on state courts and state legislatures.

Scott Barclay, *Law as a Signal: The Multiple Messages in the Same Sex Marriage Dispute*

-- Expected Completion Date of Manuscript: June 2009

-- The multiple roles that law and legality have played in constructing, framing, and constraining the same sex marriage movements. Using recent research in law and society on legal mobilization, legal consciousness, and social movements, I am using the extensive data that I have collected on the same sex marriage movement to highlight the many ways that law is invoked, utilized, and reconstituted in the progression of a movement.

GRANTS AND AWARDS:

2005-2006 Faculty Research Award Program, State University of New York

1998-2000 Faculty Research Award Program, State University of New York

1994-1996 Faculty Research Award Program, State University of New York

1993 David Minar Award for Best Graduate Student, Northwestern University Dept of Political Science

1993-1994 National Science Foundation Dissertation Research Grant

1992-1993 Northwestern University Dissertation Year Award, Northwestern University

PROFESSIONAL ASSOCIATION MEMBERSHIP:

Law & Society Association
American Political Science Association

New York State Political Science Association
Western Political Science Association

REVIEWER:

Law & Society Review
American Political Science Review
National Science Foundation
Political Research Quarterly

State Politics and Policy
State and Local Government Review
American Politics Research
Social Science Quarterly

PROFESSIONAL SERVICE:

Law & Society Association:

2007-2009 Book Review Editor, *Law & Society Review*
2004-2005 Committee for Best Article Prize in the Law & Society Association
1999-2000 Committee for Graduate Workshop of the Law & Society Association

State University of New York Press:

2006-2009 Editorial Board, State University of New York Press

American Political Science Association:

2005-2007 Committee on the Status of Lesbians, Gays, Bisexuals and the Transgendered in the Profession
2006-2007 Committee for the Lifetime Achievement Award – Law & Courts Section
2004-2005 Committee for the Lifetime Achievement Award – Law & Courts Section

UNIVERSITY AND COMMUNITY SERVICE:

University at Albany:

2004-2008 Undergraduate Academic Council
2006-2007 Committee on Academic Standing
2006-2008 Committee on Appeals and Academic Standing
2006-2007 Rockefeller College Grievance Committee
2005-2006 Ad Hoc Task Force on Honors College
2005-2006 Chair, Committee on Academic Standing
2004-2005 Committee on Academic Standing
2004-2005 Chair, Rockefeller College Grievance Committee
2002-2003 Committee on Academic Standing
2000-2001 Chair, Rockefeller College Computer Advisory Committee
1999-2000 Advisor, Sexual Harassment Prevention
1998-1999 Library and Computing Steering Committee, Middle States Accreditation Self-Study
1995-1996 Rockefeller College Diversity Committee
1994-1995 Graduate School of Public Affairs Curriculum Committee

Department of Political Science:

2005-2007 Chair, Public Law Search Committee
2001-2003 Diversity Committee – Chair
1995-1999 Colloquium Committee -- Co-Chair
1996-present Computer Committee
1996-1997 Diversity Committee
1994-1995 Grievance Committee

Department of Public Administration and Policy

2001-2003 Director of Undergraduate Public Policy Program
1999-2000 Director of Public Policy Program

REFERENCES:

Prof. Michael McCann
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University of Washington
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Prof. Susan Silbey
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Prof. Julie Novkov
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Prof. Peter May
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