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October 15, 2012

Federal Trial Begins Today in Unsuccessful Republican Faculty Candidate's Discrimination Complaint Against Iowa Law School

Following up on my prior posts (links below): NPR, [A Public Law School Faces Trial Over Liberal Bias](#):

Praised by colleagues as smart, friendly and passionate about the law, [Teresa Wagner](#) was a leading candidate when two jobs came open to teach writing at the University of Iowa law school. An alumna, she was already working part-time at its writing center and received positive reviews from students and a key committee.

But after she interviewed with the faculty in 2007, one job went to someone without teaching experience and the other wasn't filled. She was passed over for other jobs in the coming years. She now says she was blackballed because of her legal work against abortion rights and will take her complaint to a jury this week. The case is being closely watched in higher education because of longstanding allegations of political bias at left-leaning law schools. Conservatives have maintained for years that they are passed over for jobs and promotions at law schools because of their views, but formal challenges have been rare, in part because of the difficulty of proving discrimination. Wagner's case is considered the first of its kind. ...

At a federal trial that starts Monday in Davenport, Wagner will argue that the law school faculty blocked her appointment because she had opposed abortion rights, gay marriage and euthanasia while working as a lawyer for the Family Research Council and the National Right to Life Committee in Washington.

Wagner says the opposition to her was led by professor [Randall Bezanson](#), a law clerk for Justice Harry Blackmun when he wrote the landmark Roe vs. Wade decision that legalized abortion in 1973 — an opinion Wagner spent her earlier career opposing. She says 46 of 50 faculty members who considered her appointment were Democrats, while one was Republican. Wagner will offer as evidence an e-mail from a school official who backed her candidacy warning the dean that some opposed her "because they so despise her politics (and especially her activism about it)." ...

Walter Olson, senior fellow at the [Cato](#) Institute, a libertarian think tank, said business conservatives with expertise in regulatory and antitrust law are well-represented on faculties. But he said he would be hard-pressed to name any professor at a non-religious school who opposed the Roe decision before winning tenure.

- Walter Olson, [Bias Against Conservative Law Profs: Wagner Case Heads Toward Trial](#)
- Fox News, [Conservative Passed Over for Job at University of Iowa Law School Seeks to Prove Liberal Bias](#)
- Huffington Post, [Teresa Wagner Lawsuit Claims University Of Iowa Passed Her Up For Jobs Because Of Political Views](#)
- National Law Journal, [Trial Opens in Job Applicant's Claim of Political Bias by Iowa Law](#)
- St. Louis Post-Dispatch, [Did Schools Pass Up This Teacher Because She Wasn't Liberal Enough?](#)

Prior TaxProf Blog coverage:

- [Unsuccessful Iowa Legal Writing Faculty Candidate Sues, Claiming Discrimination Due to Her Conservative Views](#) (Jan. 29, 2009)
- [Judge Dismisses Claim by Unsuccessful Iowa Legal Writing Faculty Candidate Alleging Discrimination Due to Her Conservative Views](#) (Apr. 2, 2010)
- [Unsuccessful Iowa Legal Writing Faculty Candidate Appeals Dismissal of Suit Claiming Discrimination Due to Her Conservative Views](#) (July 13, 2010)
- [8th Circuit Re-institutes Discrimination Lawsuit by Unsuccessful Republican Faculty Candidate Against Iowa Law School Dean](#) (Dec. 29, 2011)
- [NY Times on Unsuccessful Republican Law Faculty Candidate's Discrimination Lawsuit Against Iowa](#) (Jan. 10, 2012)

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