

DALLAN F. FLAKE

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ACADEMIC APPOINTMENTS

Gonzaga University School of Law

Associate Professor, 2022–present

Director of Coaching, Educating and Advising Lifelong Learners (C.E.A.L.) Division, 2022–present

Courses: Civil Procedure, Federal Courts, Employment Discrimination, Writing for Practice and the MPT

Ohio Northern University Pettit College of Law

Professor, 2021–2022

Director of Faculty Engagement, 2021–2022

Associate Professor, 2018–2021

Assistant Professor, 2016–2018

Courses: Advanced Legal Analysis, Civil Procedure I, Civil Procedure II, Conflict of Laws, Employment Discrimination, Evidence, Employment Discrimination Practicum, Law and Justice in Latin America (travel course), Sports Law Seminar

Brigham Young University Department of Sociology

Visiting Assistant Professor, 2013–2016

Courses: Introduction to Sociology, Law and Society, Sociology of Marriage and Family

University of Michigan Department of Sociology

Graduate Student Instructor, 2004–2006

Courses: Criminology, Multicultural America, Sociology of Health and Medicine, Sociology of Marriage and Family

LAW REVIEW ARTICLES

[*Lifesaving Discrimination*](#), 72 AMERICAN UNIVERSITY LAW REVIEW (forthcoming 2022).

[*Spectator Harassment*](#), 56 WAKE FOREST LAW REVIEW 441 (2021).

[*Restoring Reasonableness to Workplace Religious Accommodations*](#), 95 WASHINGTON LAW REVIEW 1673 (2020).

[*Using Religion to Protect Transgender Employees from Discrimination*](#), 2020 ILLINOIS LAW REVIEW 851 (2020).

[*Interactive Religious Accommodations*](#), 71 ALABAMA LAW REVIEW 67 (2019).

[*Do Ban-the-Box Laws Really Work?*](#), 104 IOWA LAW REVIEW 1079 (2019). (Reviewed by Alex B. Long on [JOTWELL](#).)

When Should Employers Be Liable for Factoring Biased Customer Feedback into Employment Decisions?, 102 MINNESOTA LAW REVIEW 2169 (2018).

Employer Liability for Non-Employee Discrimination, 58 BOSTON COLLEGE LAW REVIEW 1169 (2017). (Reviewed by Michael Z. Green on [JOTWELL](#).)

Religious Discrimination Based on Employer Misperception, 2016 WISCONSIN LAW REVIEW 87 (2016).

Image is Everything: Corporate Branding and Religious Accommodation in the Workplace, 163 UNIVERSITY OF PENNSYLVANIA LAW REVIEW 699 (2015).

Bearing Burdens: Religious Accommodations that Adversely Affect Coworker Morale, 76 OHIO STATE LAW JOURNAL 169 (2015).

When Any Sentence is a Life Sentence: Employment Discrimination Against Ex-Offenders, 93 WASHINGTON UNIVERSITY LAW REVIEW 45 (2015).

CASEBOOK

EMPLOYMENT LAW (5th ed.) (with Richard Carlson, Richard A. Bales, & Michael Duff) (forthcoming 2023).

OTHER PUBLICATIONS

Has the Promise of the Internet Been Realized? Internet Access and Collective Invention among Independent and Organizational Patent Inventors, SOCIAL CURRENTS 553 (2019) (with Eric Dahlin & Mikaela Dufur).

Fighting Families: Family Characteristics Associated with Domestic Violence in Five Latin American Countries, 21 JOURNAL OF FAMILY VIOLENCE 19 (2006) (with Renata Forste).

Individual, Family, and Community Risk Markers for Domestic Violence in Peru, 11 VIOLENCE AGAINST WOMEN 353 (2005).

The Effects of Status on Women's Autonomy in Bolivia, Peru, and Nicaragua, 24 POPULATION RESEARCH AND POLICY REVIEW 283 (2005) (with Tim B. Heaton & Tina J. Huntsman).

Hearing Native Voices: Contraceptive Use in Matemwe Village, East Africa, 9 AFRICAN JOURNAL OF REPRODUCTIVE HEALTH 32 (2005) (with Jeremy Joseph Keele & Renata Forste).

Cross-National Variation in Family Influences on Child Health, 60 SOCIAL SCIENCE AND MEDICINE 97 (2005) (with Tim B. Heaton, Renata Forste, & John P. Hoffman).

WORKS IN PROGRESS

Religious Accommodation in the Age of Whole-Self Employment

This article argues employers should voluntarily provide religious accommodations beyond what the law requires because we now live in the age of whole-self employment, wherein employees are no longer content to check their personal lives at the workplace door, but instead expect to be able to bring their entire selves—including their religious beliefs and practices—with them to work. Accommodation facilitates whole-self employment by allowing religious employees to express a fundamental dimension of themselves in the workplace.

Partial Accommodation

Title VII of the Civil Rights Act requires an employer to “reasonably” accommodate a worker’s religious beliefs unless the accommodation would impose an undue hardship on the employer’s business. The federal courts of appeals are divided over whether an accommodation can be reasonable if it does not fully eliminate the conflict between the worker’s job and religious beliefs. Drawing on legislative history, textual analysis, case law, and agency guidance, as well as psychological research on the nature of religious adherence, this Article argues that an accommodation that only partially eliminates the conflict between a worker’s job and religious beliefs is not just unreasonable but is really no accommodation at all.

The Evolution of Workplace Religious Discrimination Law

This project examines the origins of legal protections against religious discrimination in the workplace, traces how these laws have evolved over time, and explores potential future issues in light of the United States’ rapidly changing religious landscape.)

PRESENTATIONS

Voluntary Accommodation, Law and Society Association Annual Meeting, Lisbon, Portugal (2022).

Promoting Democratic Workplaces Through the Interactive Process, American Association of Law Schools Annual Meeting, Virtual Meeting (2022) (invited speaker).

Lifesaving Discrimination, Central States Law Schools Association Annual Meeting, Washburn University School of Law (2021).

Lifesaving Discrimination, Colloquium on Scholarship in Employment and Labor Law, Vanderbilt University Law School (2021).

The Vanishing Right to Workplace Religious Accommodation, J. Reuben Clark Law Society Religious Liberty Fellowship, Washington, D.C. (2021).

Protecting Professional Athletes from Spectator Harassment, Colloquium on Scholarship in Employment and Labor Law, University of Louisville School of Law (2020).

Protecting Professional Athletes from Spectator Harassment, Chicagoland Junior Scholars Work in Progress Conference, Loyola University Chicago School of Law (2020).

Reclaiming Reasonable Workplace Religious Accommodations, J. Reuben Clark Law Society Faculty Workshop, Washington, D.C. (2020).

Reasonable Religious Accommodations, Colloquium on Scholarship in Employment and Labor Law, University of Nevada Las Vegas School of Law (2019).

Reasonable Religious Accommodations, Chicagoland Junior Scholars Work in Progress Conference, Loyola University Chicago School of Law (2019).

Reasonable Religious Accommodations, Central States Law Schools Association Annual Meeting, University of Toledo College of Law (2019).

Interactive Religious Accommodations, Law and Society Association Annual Meeting, Washington, D.C. (2019).

Interactive Religious Accommodations, American Association of Law Schools Annual Meeting, New Orleans, LA (2019) (invited from a call for papers).

Religious Conversion and Transgenderism, J. Reuben Clark Law Society Faculty Workshop, New Orleans, LA (2019).

Religion as Key to Protecting Transgender Employees from Discrimination, Chicagoland Junior Scholars Work in Progress Conference, Loyola University Chicago School of Law (2018).

Religion as Key to Protecting Transgender Employees from Discrimination, Colloquium on Scholarship in Employment and Labor Law, University of South Carolina School of Law (2018).

An Empirical Analysis of Banning the Box: Evidence from Chicago and Dallas, Law and Society Association Annual Meeting, Toronto, Ontario, Canada (2018).

Do Ban-the-Box Laws Really Work? An Empirical Analysis, Ohio Legal Scholars Workshop, West Virginia University College of Law (2018).

Do Ban-the-Box Laws Really Work? Preliminary Findings from Dallas and Chicago, Colloquium on Scholarship in Employment and Labor Law, Texas A&M University School of Law (2017).

Do Ban-the-Box Laws Really Work?, Developing Ideas Conference, University of Kentucky College of Law (2017).

A Revised Approach to Employer Liability for Nonemployee Discrimination, Colloquium on Scholarship in Employment and Labor Law, University of Washington School of Law/Seattle University School of Law (2016).

Employer Liability for Nonemployee Discrimination, Law and Society Association Annual Meeting, New Orleans, LA (2016).

After *Abercrombie*: Religious Discrimination Based on Employer Misperception, Colloquium on Scholarship in Employment and Labor Law, Indiana University Maurer School of Law (2015).

When Any Sentence is a Life Sentence: Employment Discrimination Against Ex-Offenders, Law and Society Association Annual Meeting, Seattle, WA (2015).

Marginalizing Moms: Discrimination Against Mothers in the Workplace, Brigham Young University Women's Studies Conference, Provo, UT (2014).

Union Formation in Developing Countries: Trends, Determinants, and Cross-National Variance, American Sociological Association Annual Meeting, Atlanta, GA (2003).

Determinants and Manifestations of Women's Autonomy in Bolivia and Nicaragua, Population Association of America Annual Meeting, Minneapolis, MN (2003).

Explaining Wife Abuse in Peru: An Ecological Approach, Pacific Sociological Association Annual Meeting, Pasadena, CA (2003).

Fighting Families: Personal and Relationship Factors Associated with Domestic Violence in Latin America, Population Association of America Annual Meeting, Atlanta, GA (2002).

Fighting Families: Personal and Relationship Factors Associated with Domestic Violence in Bolivia and Colombia, Pacific Sociological Association Annual Meeting, Vancouver, BC (2002).

ACADEMIC SERVICE

National

Secretary, Employment Discrimination Section, American Association of Law Schools, 2021–2022

Executive Committee, Employment Discrimination Section, American Association of Law Schools, 2019–present

Communications Committee, J. Reuben Clark Law Society, 2020–present

Gonzaga Law School

Member, Diversity, Equity, and Inclusion Committee, 2022–present

Ohio Northern University

Advisory Board Member, ONU Center for Academic and Faculty Excellence, 2019–2022

Title IX Investigator, 2019–2022

Member, Institutional Repository Committee, 2017–2022

Ohio Northern University College of Law

Chair, Remote Exam Success Task Force, 2020

Chair, Personnel Committee, 2020–2021

Member, Library Committee, 2020–2022

Member, Personnel Committee, 2022

Member, ABA Self-Study Committee, 2019–2021

Member, Admissions, Readmissions, and Recruitment Committee, 2018–2022

Member, Student Success Working Group, 2019–2020

Member, Outcomes and Assessments Committee, 2018–2019

Member, Online Curriculum Working Group, 2018–2019

Member, Dean Search Committee, 2017–2019
Member, Curriculum Committee, 2017–2018
Faculty Advisor, ONU Law Review, 2018–2022
Faculty Advisor, Student Chapter of the J. Reuben Clark Law Society, 2017–2022
Faculty Advisor, Student Chapter of the Sports and Entertainment Law Association, 2019–2022

HONORS AND GRANTS

ONU Study Abroad Development Grant, 2021

\$2,000 grant to develop a study abroad program for ONU Law students in Belize, Guatemala, and Mexico

ONU Law Excellence in Teaching Award, 2020

Awarded by the dean to the faculty member judged to have demonstrated the strongest teaching skills during the academic year

Fowler V. Harper Scholarship Award, 2019

Awarded by a committee of ONU Law faculty to the faculty member judged to have made the greatest contribution to legal scholarship during the academic year

President's Award, 2019

Awarded by the ONU Student Bar Association to the faculty member judged to have gone above and beyond in supporting students

Most Effective Teacher of the Year, 2018

Awarded by the ONU Student Bar Association

EDUCATION

University of Michigan Law School, J.D., 2006

MICHIGAN JOURNAL OF INTERNATIONAL LAW, Associate Editor

Brigham Young University, M.S., Sociology, 2003

Master's Thesis: *Individual, Family, and Community Risk Markers for Domestic Violence in Peru* (excerpts published in 11 VIOLENCE AGAINST WOMEN 353–73 (2005)).

Brigham Young University, B.S./B.A., *magna cum laude*, Sociology and Latin American Studies, 2002

Two-time grant recipient for field research in Bolivia

PRACTICE EXPERIENCE

Ogletree, Deakins, Nash, Smoak & Stewart, P.C., Dallas, TX

Associate, Labor and Employment Practice Group, 2009–2013

Certified in Labor and Employment Law, Texas Board of Legal Specialization

Twice recognized as a “Rising Star” by TEXAS MONTHLY

Winstead PC, Dallas, TX

Associate, Labor and Employment Practice Group, 2006–2009

In my positions at both firms, I defended employers in lawsuits and arbitrations involving claims of discrimination based on race, color, religion, national origin, sex, disability, and age; retaliation; workers' compensation retaliation; and common-law claims for wrongful discharge, defamation, intentional infliction of emotional distress, assault, and negligent hiring, retention, and supervision. Additionally, I represented both employers and employees in disputes arising from covenants not to compete, nonsolicitation agreements, and covenants prohibiting the disclosure of trade secrets and confidential information.

TEACHING INTERESTS

Primary: Civil Procedure, Employment Discrimination Law, Employment Law, Federal Courts, Labor Law

Additional: Law and Society, Law and Social Science, Sports Law

RESEARCH INTERESTS

Title VII of the Civil Rights Act of 1964, religious discrimination in the workplace, religious accommodations, employment of ex-offenders, dynamics of discrimination in the modern workplace, employment discrimination by customers and other nonemployees, employment discrimination in athletics

AFFILIATIONS

State Bar of Texas (inactive)

Utah State Bar (inactive)

Ohio Bar Association

American Bar Association

American Sociological Association

Law and Society Association

J. Reuben Clark Law Society

(updated 9/5/22)