

Tennessee Journal of Race, Gender, & Social **Justice**

Volume 12 | Issue 1

Article 1

January 2023

Front Matter Volume 12 Issue 1

Follow this and additional works at: https://ir.law.utk.edu/rgsj



Part of the Law Commons

Recommended Citation

(2023) "Front Matter Volume 12 Issue 1," Tennessee Journal of Race, Gender, & Social Justice: Vol. 12: Iss. 1, Article 1.

DOI: https://doi.org/10.70658/2693-3225.1217 Available at: https://ir.law.utk.edu/rgsj/vol12/iss1/1

This Article is brought to you for free and open access by Volunteer, Open Access, Library Journals (VOL Journals), published in partnership with The University of Tennessee (UT) University Libraries. This article has been accepted for inclusion in Tennessee Journal of Race, Gender, & Social Justice by an authorized editor. For more information, please visit https://ir.law.utk.edu/rgsj.



THE TENNESSEE JOURNAL OF RACE, GENDER, AND SOCIAL JUSTICE

Est. 2011 - The University of Tennessee College of Law

Fall 2022

Articles

"SAVE WOMEN'S SPORTS" LAWS AREN'T SAVING ANYONE Katie Butler

APTITUDE TESTING
Courtney Garrett

THE PRO BONO PENALTY
Chris Birdsall & Seth Gershenson

A Publication of the University of Tennessee College of Law

Volume 12 Fall 2022 Issue 1



Editorial Board

Editor-in-Chief

Managing Editor
SAMUEL BARTZ

Malia Bennett

Executive Editor PEYTON FAULKNER RITCHIE Symposium Editors VADA NEWMAN BREANA QUERY

Acquisitions Editors
SARAH BETH CAIN
REBECCA STUEVE

Publications Editor
KATE LEMON

Research Editors Andrea Hitefield Yasmin Ly

Communications Editor
LEAH CREATHORN

Articles Editors

MOLLY GREEN-MAJEWSKI MAC HAZLERIG STEPHANIE RAMIREZ-LOPEZ MADISON RADEMACHER

Staff Editors

SHELBY BATSON
KIMANI BECKFORD
KRISTEN BELL
LILY-ANA FAIRWEATHER
KAY FRAIZER
JASMIN HAMPTON
SYDNEY ING
MCKENNA SNYDER

BRANDEE DILLINGHAM
JACKSON WELSH
ELI PEARSON
ISABELLA BOMBASSI
THEODORA OCKEN
COLTON RAGSDALE
JEFFREY NORRIS
LEONORA BROWN

Faculty Advisor
VALORIE R. VOJDIK



Tennessee Journal of Race, Gender, and Social Justice

The Tennessee Journal of Race, Gender, & Social Justice is published semi-annually and edited by students of the University of Tennessee College of Law. The publisher is the Tennessee Journal of Race, Gender, & Social Justice c/o The University of Tennessee College of Law, 1505 W. Cumberland Ave., Knoxville, Tennessee 37996-1810. To order back issues, contact University Printing and Mail at 2021 Stephenson Drive, Knoxville, Tennessee 37996, or call at (865) 974-5121. For general inquiries, please email rgsj@utk.edu.

Publication of contributions does not signify adoption of the views expressed therein by the Tennessee Journal of Race, Gender, & Social Justice, its editors, or The University of Tennessee.



TABLE OF CONTENTS

"SAVE	WOMEN'S SPORTS" LAWS AREN'T SAVING ANYONE	1
I.	Introduction	1
II.	The Interplay of <i>Bostock</i> , Title VII, and Title IX	4
	A. Bostock v. Clayton County	4
	B. Title VII	6
	C. Title IX	8
	D. Pre-Bostock Interpretation of Title IX Through Title VII	10
III.	Post-Bostock Interpretation of Title IX Through Title VII	10
	A. Administrative Agency Interpretation	11
	B. Supreme Court Precedent and Interpretation	12
IV.	Saving Women's Sports Legislation and Title IX	13
	A. "Saving" Women's Sports Through Exclusion	14
	B. Biology-Based Classifications as an Important	
	Governmental Objective	19
V.	Pennsylvania as a Leader for Trans Rights under Bostock	25
	A. Lia Thomas' Story	25
	B. The NCAA's Response – A Model of Inclusion	27
	C. Pennsylvania (and Others) Should Follow Suit	29
VI.	Conclusion	30
APTITU	DE TESTING	32
I.	Introduction	32
II.	The Controversial History of Aptitude Testing	33
	A. Eugenics and Aptitude Testing	34
III.	Arguments Against Aptitude Testing's Bias Results	35
IV.	Graduate Exams Are Not Proper Tools for Professional Fields	39
V.	If Not Abolition or Modification of the Tests, Why Not	
	Make Test Prep Accessible?	43
VI.	A Roadmap Ahead for Abolitionism	46
VII.	Conclusion	48
THE PR	O BONO PENALTY	51
I.	Introduction	52
II.	Theoretical Background and Literature Review	54
III.	Data	56

	A. After the JD Survey	56
	B. Sample and Summary Statistics	57
IV.	Extracurricular Activities and Bar Exam Success	61
	A. Methodology	61
	B. Main Results	62
	C. Sensitivity Analyses	64
	D. Heterogeneity	69
V.	Decomposing Demographic Gaps in Bar Exam Success	70
VI.	Conclusion	73

Copyright $\ensuremath{@}$ 2022 Tennessee Journal of Race, Gender, & Social Justice