NINA VARSAVA

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ACADEMIC APPOINTMENT

University of Wisconsin-Madison

Associate Professor of Law	2024–present
Affiliate Professor of Philosophy	2024–present
Assistant Professor of Law	2019–2024

Teaching: Civil Procedure, Professional Responsibility, Jurisprudence/Philosophy of Law

EDUCATION

Yale Law School, J.D., 2018

Stanford University, Ph.D., Modern Thought and Literature, 2018
- Dissertation: The Form and Function of Legal Precedent
- Areas of specialization: Ethics, Legal Theory, Digital Humanities, Rhetoric

University of British Columbia, M.A. with Distinction, 2011

University of Alberta, B.A. with Distinction, 2008

CLERKSHIP

Judicial Clerk to the Hon. Richard Gabriel, Colorado Supreme Court   2018–2019

ARTICLES & ESSAYS

"Stare Decisis and Egregious Error" (working paper, draft available upon request).

"How is Law a Moral Practice?" (review essay of Scott Hershovitz, *Law is a Moral Practice*, for *The Journal of Moral Philosophy*, draft available upon request).

Derivative Recognition and Intersystemic Interpretation, LEGAL THEORY (forthcoming).

Reconstructing Precedent, in INTERPRETIVISM AND ITS CRITICS: NEW WORK IN LEGAL PHILOSOPHY, ed. Nicos Stavropoulos, Bloomsbury Publishing (forthcoming).

Judicial Dark Matter, 91 UNIVERSITY OF CHICAGO LAW REVIEW (forthcoming 2024) (with Keith Carlson, Michael Livermore, & Daniel Rockmore).

Opinion Authorship and Precedential Status, 101 WASHINGTON UNIVERSITY LAW REVIEW 1593 (2024).

Gendered Judicial Opinions, 1 JOURNAL OF LAW AND EMPIRICAL ANALYSIS 1 (2024) (with Keith Carlson, Michael Livermore, & Daniel Rockmore).

Precedent, Reliance, and Dobbs, 136 HARVARD LAW REVIEW 1845 (2023).
- Cited by the Iowa Supreme Court in *Planned Parenthood of the Heartland v. Reynolds ex rel. State*, No. 22-2036, 2023 WL 4635932, at *8 (Iowa June 16, 2023) (McDonald, J., writing separately).

The Gravitational Force of Future Decisions, *in* PHILOSOPHICAL FOUNDATIONS OF PRECEDENT 281 (Timothy Endicott et al. eds., Oxford UP 2023).

Stare Decisis and Intersystemic Adjudication, 97 NOTRE DAME LAW REVIEW 1207 (2022).

Non-Consensual Disclosures, 47 BRIGHAM YOUNG UNIVERSITY LAW REVIEW 219 (2021).
- Selected for presentation at the 2021 AALS Annual Meeting for the New Voices in Law, Medicine and Healthcare workshop.

Professional Irresponsibility and Judicial Opinions, 59 HOUSTON LAW REVIEW 103 (2021).
- Covered by Reuters/Westlaw and the *American Bar Association Journal.*
- Reviewed in *JOTWELL*, Courts Law Section.
- Cited by the Maryland Supreme Court in *Belton v. State*, 2023 WL 3734780, at *18 (Md. May 31, 2023) (Gould, J., concurring).

Precedent on Precedent, 169 UNIVERSITY OF PENNSYLVANIA LAW REVIEW ONLINE 118 (2020).

Allocating Authority between Lawyers and their Clients after McCoy v. Louisiana, 23 NEW CRIMINAL LAW REVIEW 170 (2020) (with Judith Foo, Elizabeth Villarreal, and David Walchak). (peer-reviewed)

Digital Humanities and the Computational Analysis of Legal Texts, in COMPUTATIONAL LEGAL STUDIES: THE PROMISE AND CHALLENGE OF DATA-DRIVEN RESEARCH (Edward Elgar, 2020).

The Role of Dissents in the Formation of Precedent, 14 DUKE JOURNAL OF CONSTITUTIONAL LAW & PUBLIC POLICY 285 (2019).
- Cited by the Seventh Circuit Court of Appeals in *Box v. Planned Parenthood of Indiana & Kentucky, Inc.*, --- F.3d ----2021 WL 940125 (March 12, 2021) at *4, 16 n.3.

How to Realize the Value of Stare Decisis: Options for Following Precedent, 30 YALE JOURNAL OF LAW & THE HUMANITIES 62 (2018).

Elements of Judicial Style: A Quantitative Guide to Neil Gorsuch's Opinion Writing, 93 NYU LAW REVIEW ONLINE 75 (2018).
- Covered by *The New York Times*, the *American Bar Association Journal*, *LawSites Blog*, *Law Librarian Blog*.

Severe Brain Injury, Disability, and the Law: Achieving Justice for a Marginalized Population, 45 FLORIDA STATE UNIVERSITY LAW REVIEW 313 (2018) (with Megan S. Wright, Kyle Edwards, Joel Ramirez, Tamar Ezer, Nathan Guevremont, and Joseph J. Fins).

Beyond Consent: Building Trusting Relationships with Diverse Populations in Precision Medicine Research, 18 AMERICAN JOURNAL OF BIOETHICS 3 (2018) (with Stephanie A. Kraft, Mildred K. Cho, Katherine Gillespie, Meghan Halley, Kelly Ormond, Harold Luft, Benjamin Wilfond, & Sandra Soo-Jin Lee). (peer-reviewed)

"I Don't Want to be Henrietta Lacks": Diverse Patient Perspectives on Donating Biospecimens for Precision Medicine Research, 21 GENETICS IN MEDICINE 107 (2018) (with Sandra Soo-Jin Lee, Mildred K. Cho, Stephanie Alessi Kraft, Katie Gillespie, Kelly Ormond, Benjamin Wilfond, & David Magnus). (peer-reviewed)

Metaphors Matter: From Biobank *to a* Library of Medical Information, 20 GENETICS IN MEDICINE 802 (2018) (with Mildred K. Cho, Stephanie Alessi Kraft, Gary Ashwal, Katie Gillespie, David Magnus, Kelly Ormond, Benjamin Wilfond, & Sandra Soo-Jin Lee). (peer-reviewed)

COMMENTARY AND BOOK REVIEWS

The Moral Practice Picture of Law, JOTWELL (January 29, 2024) (reviewing Scott Hershovitz, LAW IS A MORAL PRACTICE) (2023).

The Democratic Disposition of Law, JOTWELL (January 19, 2022) (reviewing Seana Valentine Shiffrin, DEMOCRATIC LAW) (2021).

Human Subjects Research Without Consent: Duties to Return Individual Findings When Participation was Non-Consensual, 20 AMERICAN JOURNAL OF BIOETHICS 28 (2020). (commentary)

Friending, Following, and Liking: Social Media and the Courts, 48 COLORADO LAWYER 9 (Colorado Bar Association Journal) (July 2019) (with the Hon. Richard L. Gabriel).
- Cited by the Wisconsin Supreme Court in *In re Paternity of B.J.M.*, 2020 WI 56, 98, 100 cert. denied sub nom. *Carroll v. Miller*, 141 S. Ct. 557 (2020) (Ziegler, J., concurring).

Kavanaugh Ignored Precedent in His Major Abortion Dissent. That's Part of a Pattern, SLATE, Jurisprudence Section (Feb 27, 2019).
- Covered by *Above the Law*.

Trustworthiness in Untrustworthy Times: Response to Open Peer Commentaries on Beyond Consent, 18 AMERICAN JOURNAL OF BIOETHICS W6 (2018) (with Stephanie Alessi Kraft, Mildred K. Cho, Katie Gillespie, Kelly Ormond, Benjamin Wilfond, & Sandra Soo-Jin Lee).

Lincoln's Promise: Congress, Veterans, and Traumatic Brain Injury, HASTINGS BIOETHICS FORUM (June 2016) (with Michael R. Ulrich, Megan S. Wright, Kyle Edwards, Nathan Guevremont, Joel Ramirez, & Joseph J. Fins).

Radically Reasonable Politics: Animal Rights and Liberal Democracy, 4 HUMANIMALIA 167 (2012) (reviewing Will Kymlicka and Sue Donaldson, ZOOPOLIS: A POLITICAL THEORY OF ANIMAL RIGHTS).

Animals Ethics, Liberal Democracies, and a Modest Proposal, 10 JOURNAL FOR CRITICAL ANIMAL STUDIES 133 (2012) (reviewing Siobhan O'Sullivan, ANIMALS, EQUALITY, AND DEMOCRACY).

PRESENTATIONS

"Stare Decisis and Egregious Error"
- National Autonomous University of Mexico (UNAM), Mexico City, Nov 12, 2024 (invited talk).
- Supreme Court of Justice of the Nation, Mexico City, Nov 11, 2024 (invited talk).
- Texas A&M Law School Faculty Workshop, Nov 6, 2024 (invited talk).
- American Association of Legal and Social Philosophy Online Workshop, Sept 13, 2024.
- Legal Philosophy Discussion Group, Faculty of Law, Universidade Federal do Rio Grande (FURG), Brazil, Sept 10, 2024 (online, invited talk).
- Collective Discussions, The Collective: Women in Legal Philosophy, Oct 1, 2024 (online, selected from CFP).

"Reconstructing Precedent"
- Interpretivism and its Critics Conference, Oxford University, June 6, 2024.
- Cambridge Legal Theory Discussion Group, Nov 9, 2023 (online, selected from CFP).
- Instituto Tecnológico Autónomo de México Jurisprudence Seminar, Oct 13, 2023 (online, invited talk).
- American Association of Legal and Social Philosophy Conference, Loyola University of Chicago, Sept 23, 2023.
- AALS Jurisprudence Section Junior Scholars Workshop, Aug 4, 2023 (online).

"How is Law a Moral Practice?," Philosophy and Private Law Discussion Group, Apr 9, 2024 (online).

"Precedent as a Moral Practice," Symposium on Scott Hershovitz's *Law is a Moral Practice*, Instituto Tecnológico Autónomo de México, Jan 26, 2024 (online, invited talk).

"General Jurisprudence and Legal Doctrine," Jurisprudence Section Program, AALS Annual Meeting, Washington, D.C., Jan 5, 2024 (invited panelist).

"Precedent, Reliance, and *Dobbs*"
- Public Law Seminar, Stanford Law School, Oct 30, 2023 (invited talk).
- Boston College Law School Faculty Workshop, Mar 14, 2023 (invited talk).
- Washington State University Bioethics Grand Rounds, Feb 8, 2023 (online, invited talk).
- Wisconsin Law Review Symposium, University of Wisconsin-Madison, Oct 29, 2022 (invited talk).
- American Association of Legal and Social Philosophy Conference, Rollins College, Orlando, Oct 8, 2022 (invited talk).

"Precedent, Reliance, and Abortion Law," HUMANITIES NOW: ROE AT 50 "The Anniversary That Wasn't," University of Wisconsin-Madison, Mar 28, 2023 (invited talk).

"Derivative Recognition and Intersystemic Interpretation"
- Legal Reasoning and Adjudication Symposium, Wisconsin Law School, May 18, 2023.
- UCLA Legal Theory Workshop, Mar 23, 2023 (invited talk).
- International Private Law Theory Workshop, UCLA Law School, Feb 24, 2023 (selected from CFP).
- Surrey Centre for Law and Philosophy, University of Surrey, Sept 21, 2022 (invited talk).
- AALS Jurisprudence Section Junior Scholars Workshop, Aug 12, 2022 (online).
- UK-IVR Association for Philosophy of Law and Social Philosophy Annual Conference, June 10-11, 2022 (online).

Judicial Visitors, Section on the Empirical Study of Legal Education and the Legal Profession Works in Progress, AALS Annual Meeting, Jan 6, 2023.

"Opinion Authorship and Precedential Status"
- University of Michigan Law and Economics Workshop, April 13, 2023 (invited talk).
- Max Planck Institute for Research on Collective Goods, Dec 5, 2022 (online, invited talk).
- 12th Annual Junior Faculty Federal Courts Workshop, University of Florida Levin College of Law, Dec 2, 2022.
- Online Workshop on the Computational Analysis of Law (OWCAL), Jan 14, 2021.
- "Opinion Publication and Judge Gender at the Federal Courts of Appeals," Texas A&M University School of Law, Jan 20, 2021. (online, faculty workshop)
- William & Mary Law School, Jan 28, 2021 (online, faculty workshop).
- Chicagoland Junior Scholars Conference, Oct 2, 2020. (online)
- Denver University Sturm College of Law, Sept 15, 2020. (online, faculty workshop)
- Marquette University Law School Faculty Workshop, Sept 8, 2020. (online, faculty workshop)

"The Gender and Racial Composition of Federal Appellate Panels"
- Midwest Law and Economics Association Annual Meeting (MLEA), University of Chicago Law School, Oct 15, 2022.
- Online Workshop on the Computational Analysis of Law (OWCAL), Sept 6, 2022.
- American Law and Economics Association Annual Meeting (ALEA), Aug 4, 2022 (selected from CFP).
- Conference on Empirical Legal Studies (CELS), March 18, 2022 (online, selected from CFP).

"Testing the Random Assignment of District Court Judges," SCALES Open Justice Research Workshop, May 18, 2022 (online) (with Neel Sukhatme).

"The Future of *Roe v. Wade*," UW Law Talk (roundtable), May 18, 2022 (online).

"The Gravitational Force of Future Decisions," Philosophical Foundations of Precedent Workshop, Oxford University, Oct 29, 2021 (online).

"Non-Consensual Warnings"
- New Voices in Law, Medicine and Healthcare, AALS Annual Meeting, Jan 8, 2021. (online)
- Virtual Health Law & Bioethics Workshop, July 10, 2020.

"Precedent, Interpretive Methodology, and Conflicts of Law"
- Jurisprudence Discussion Group, Oxford University, Oct 22, 2020. (online, invited talk)
- "Conflicts of Interpretation," Virtual Constitutional Law & Economics Workshop, Sept 10, 2020. (online)
- University of Michigan Law School Junior Scholars Conference, Apr 17–18, 2020. (online, selected from CFP)

"Judicial Opinions and Judge Gender on the Federal Courts of Appeals," Center for Empirical Research on the Legal Profession Summer Workshop Series, University of California Irvine Law School, Aug 19, 2020. (online, invited talk)

"What Judicial Opinions can tell us about the Gender Roles and Biases of Judges"
- Law and Society Association Virtual Conference, May 28–31, 2020.
- Computational Analysis of Law Panel, AALS Annual Meeting, Jan 2–5, 2020.

"Do Interpretive Rules 'exceed the limits of stare decisis?,'" Law and Interpretation Panel, AALS Annual Meeting, Jan 2–5, 2020.

"Professionally Irresponsible Opinions," Annual Meeting of the Law and Society Association, May 30–June 2, 2019.

"Ethical and Legal Challenges and Opportunities in Precision Medicine," Health Law Society, Sturm College of Law, University of Denver, Apr 10, 2019. (invited talk)

"What Conflicting Doctrines of Precedent Can Tell Us about Common Law Interpretation." Southeastern Association of Law Schools Annual Conference. Aug 5–11, 2018.

"The Style and Impact of Judicial Opinions: A Quantitative Analysis," The Emergence of Computational Legal Studies: The Promises and Challenges of Data-Driven Legal Research, University of Hong Kong Faculty of Law, June 28–29, 2018. (Invited panelist)

"Judging Style: A Quantitative and Normative Analysis of Judicial Opinions," Annual Meeting of the Law and Society Association, June 7–10, 2018.

"A Quantitative Analysis of Judicial Rhetoric and Influence"
- Yale Digital Humanities Lab Annual Symposium on Hybrid Scholarship, Yale University, Apr 6, 2018.
- Empirical Legal Studies Lab, Yale Law School, Mar 22, 2018.

"Plurality Decisions and Stare Decisis: The Precedential Value of Dissenting Opinions," Annual Meeting of the Association for the Study of Law, Culture, & the Humanities, Georgetown Law School, Mar 16–17, 2018.

"Judging Precedent," Experimental Philosophy Lab, Yale Psychology Department, May 4, 2017.

AWARDS & GRANTS

- University of Wisconsin-Madison Vilas Early-Career Investigator Award ($50,000), 2023-2026.
- UW-Madison Office of the Vice Chancellor for Research and Graduate Education research funding, $50,000 (2023).
- AALS Jurisprudence Section Future Promise Award (shared), 2023.
- *Legal Theory* Annual Reviewer Award, 2022. (recognizing exceptional work as a peer reviewer for the journal)
- Fall Research Competition Award, University of Wisconsin-Madison ($41,058 research funds), 2022-2023.
- Systematic Content Analysis of Litigation Events Open Knowledge Network to Enable Transparency and Access to Court Records (NSF Convergence Accelerator: SCALES OKN, A1; $10,000 research start-up funds) (with Anna Gunderson, Jonathan Nash, Hannes Schwandt, Neel Sukhatme, & Corey Yung), 2021.
- Fall Research Competition Award, University of Wisconsin-Madison ($31,744 research funds), 2021-2022
- Edward D. Robbins Prize for best 3rd-year student paper published in a specialty journal, Yale Law School, 2018.
- Research Development Grant, Yale Digital Humanities Lab ($1500), 2017.
- Oscar M. Ruebhausen Fund for Domestic Research, Yale Law School ($3000), 2017.
- Sir James Lougheed Award of Distinction, Doctoral Level; Province of Alberta ($20,000 CAD), 2013.
- Doctoral Fellow, Social Sciences and Humanities Research Council of Canada ($60,000 CAD), 2012-2015.

COMMUNITY & PROFESSIONAL SERVICE

- Discussant/Commentator:
  - Online Workshop on the Computational Analysis of Law, Feb 22, 2024. (commenting on Jonathan Choi and Nina Mendelson, "A Comprehensive Survey of Canon Usage at the Supreme Court, 1789-2023")
  - American Association of Legal and Social Philosophy Conference, Loyola University of Chicago, Sept 23, 2023. (commenting on Rodney C. Roberts, "No Right to be Forgiven")
  - Interpretation in the States Conference, Wisconsin Law School, May 19, 2022. (commenting on Aaron-Andrew Bruhl, "Improving (and Avoiding) Interstate Interpretation")
  - Online Workshop on the Computational Analysis of Law, Apr 14, 2022. (commenting on Renana Keydar, "How Does the Law Imagine Sexual Victims?")
  - Conference on Empirical Legal Studies (CELS), March 18, 2022. (online) (commenting on Yun-chien Chang & Geoffrey Miller, "Things Fall Apart: Decay of Precedent in State Supreme Courts")
  - Philosophical Foundations of Precedent Workshop, Oxford University, Oct 29, 2021. (online) (commenting on Heidi Hurd, "Partnering with the Dead to Govern the Unborn")
  - Legal Meaning and "Ordinary" Meaning, Law and Society Association Virtual Conference, May 28, 2020.
  - "Legal Genres," Law and Humanities Conference, Stanford Law School. May 18, 2018.

- Conference Panel Chair/Moderator:
  - "Narrowing in on Narrowest Grounds," Midwest Political Science Association Conference, April 18, 2021.
  - "Technological Innovation, Adjudication, and the Judicial Role," Law and Society Association Virtual Conference, May 29, 2020.

- Podcasts and other Media:
  - "Relying on Courts," *The Jurisprudes: A Podcast about Legal Philosophy*, Feb 2, 2023.
  - "Precedent, Reliance, and *Dobbs*," *Law in Action: A University of Wisconsin Law School Podcast*, Jan 24, 2023.
  - "Demystifying Precedent," *Legal-Phil: In Conversation with Legal and Moral Philosophers*, Dec 22, 2022. (blog interview)
  - "A closer look at the Supreme Court's abortion ruling," *New Hampshire Public Radio Morning Edition*, July 1, 2022. (live radio interview)
  - "Precedent and the Supreme Court," *Civics 101 Podcast*, June 2022. (interview)
  - "Precedent and the Leaked Draft SCOTUS Opinion," *Civics 101 Podcast*, June 2022. (interview)
  - "Judicial Opinions Barbs Reflect Political Divisions, Twitter Era," *Bloomberg Law*, Feb 2022. (interviewed for and quoted in)
  - "Fractured Opinions," *Dissenting Opinions Podcast*, University of Chicago Law School, Aug 2021.
  - "Professional Irresponsibility and Judicial Opinions," *Emphasis Added: A Podcast on Legal Scholarship*, June 2021.

- "Nina Varsava on Precedent," *Ipse Dixit: A Podcast on Legal Scholarship* (interview), July 13, 2020.

- Guest Lectures:
    - "Precedent," Topics in Jurisprudence Seminar (Prof. Jorge Luis Fabra-Zamora), University of Buffalo School of Law, Apr 29, 2024 (online).
    - "Precedent, Reliance, and *Dobbs*," Law in Action (Prof. Tatiana Paula Da Cruz), University of Wisconsin-Madison Legal Studies Department, Dec 12, 2023 (online).
    - "Professional Irresponsibility and Judicial Opinions," Law and Literature Seminar (Prof. Simon Stern), University of Toronto Faculty of Law, Nov 15, 2023 (online).
    - "Digital Humanities and Legal Studies," Introduction to Digital Humanities Seminar, Federal Rural University of Rio de Janeiro, June 30, 2021 (online).

- Executive Committee Member, American Association of Legal and Social Philosophy (elected position), Nov 2023-present.
- Co-Organizer, Women in Legal Philosophy Reading Group, Oct 2023-present.
- *Jotwell* Contributing Editor, Jurisprudence section, 2021-present.
- Co-Organizer, Virtual Health Law & Bioethics Workshop, June 2020-May 2021 (monthly).
- Peer Reviews: *Oxford Journal of Legal Studies, Legal Theory, Modern Law Review, Stanford Law Review, Yale Law Journal, Regulation & Governance, Revus: Journal for Constitutional Theory and Philosophy of Law, Review of Law & Economics.*
- Faculty Senator, University of Wisconsin-Madison, 2019-2023.