

**Cynthia L. Nicoletti**  
580 Massie Road  
Charlottesville, VA 22903  
[cln4x@virginia.edu](mailto:cln4x@virginia.edu)  
(434) 243-8540

---

### **Academic Positions**

#### **University of Virginia School of Law, Charlottesville, VA**

Professor of Law, 2017-present  
Professor of History (by courtesy), 2017-present  
Associate Professor of Law, 2014-17  
Visiting Associate Professor of Law, 2013-14

#### **Mississippi College School of Law, Jackson, MS**

Associate Professor of Law, 2013-2014  
Assistant Professor of Law, 2010-2013

### **Publications**

#### **Books**

*Secession on Trial: The Treason Prosecution of Jefferson Davis* (Cambridge University Press, Studies in Legal History Series, October 2017)

(Winner of the William Nelson Cromwell Book Prize by the American Society for Legal History, 2018)

Book manuscript in progress, tentatively titled *Freedom's Narrow Path*

#### **Articles and Book Chapters**

“Robert Smalls’s Tax Title Case and the Endurance of Land Redistribution in Port Royal, South Carolina,” in Caroline Janney, Peter Carmichael, and Aaron Sheehan-Dean, eds., *The War that Made America* (University of North Carolina Press, forthcoming)

“William Henry Trescot, Pardon Broker,” *Journal of the Civil War Era* 11 (December 2021): 478-506 (Winner of the 2021 Richards Prize for the best article in the *Journal of the Civil War Era*)

“The Rise and Fall of Transcendent Constitutionalism in the Civil War Era,” *Virginia Law Review* 106 (2020): 1631-1702

“Chief Justice Salmon P. Chase and the Permanency of the Union,” *Journal of Supreme Court History* 44 (2019): 154-169 (Winner of the 2019 Hughes-Gossett award for the best article in the *Journal of Supreme Court History*)

“Writing the Social History of Legal Doctrine,” *Buffalo Law Review* 64 (2016): 121-40

“Strategic Litigation and the Death of Reconstruction,” in *Signposts: New Directions in Southern Legal History*, eds. Sally Hadden and Patricia Minter (Athens: University of Georgia Press, 2013)

“The American Civil War as a Trial by Battle,” *Law and History Review* 28 (February 2010): 71-110 (Winner of the Kathryn T. Preyer Prize, American Society for Legal History, 2008)

“Did Secession Really Die at Appomattox?: The Strange Case of *U.S. v. Jefferson Davis*,” *University of Toledo Law Review* 41 (2010): 587

### **Book Reviews**

Review of Rebecca Zietlow, *The Forgotten Emancipator: James Mitchell Ashley and the Ideological Origins of Reconstruction*, in *Law and History Review* 38 (April 2020): 299-301

Review of Dorothy Overstreet Pratt, *Sowing the Wind: The Mississippi Constitutional Convention of 1890*, in *Journal of Southern History* 85 (May 2019): 476-77

Review of Paul E. Herron, *Framing the Solid South: The State Constitutional Conventions of Secession, Reconstruction, and Redemption, 1860-1902*, in *American Historical Review* 123 (December 2018): 1667-68

Review of Laura Edwards, *A Legal History of the Civil War and Reconstruction: A Nation of Rights*, in *North Carolina Historical Review* 92 (Oct. 2015): 441-42

Review of William Blair, *With Malice Toward Some: Treason and Loyalty in the Civil War Era*, in *Journal of the Civil War Era* 5 (June 2015): 330-332

Review of Jonathan W. White, *Abraham Lincoln and Treason in the Civil War* and Brian McGinty, *The Body of John Merryman*, in *Journal of the Abraham Lincoln Association* 34 (Summer 2013): 71-78

Review of Brian McGinty, *John Brown's Trial*, in *Law and History Review* 29 (February 2011): 322-24

### **Conference Papers, Presentations, and Lectures**

“‘Possessory Title’ and the Special Field Orders No. 15,” North American History Seminar, Institute of Historical Research, London, UK, January 2023

“DeTreville v. Smalls and the Movement to Unravel Land Redistribution in Reconstruction-Era South Carolina,” American Society for Legal History, New Orleans, LA, November 2021

“William Henry Trescot, Pardon Broker,” Society of Civil War Historians Biannual Meeting, May 2021

“The Rise and Fall of Transcendent Constitutionalism,” Vanderbilt University Faculty Workshop, Nashville, TN, October 2020

“The Rise and Fall of Transcendent Constitutionalism,” University of Chicago Public Law Workshop, Chicago, IL, February 2020

“William Henry Trescot and Land Redistribution in South Carolina, 1865-66,” American Society for Legal History, Boston, MA, November 2019 (panel organizer)

“William Henry Trescot and Land Redistribution in South Carolina, 1865-66,” University of Michigan Law and Humanities Workshop, Ann Arbor, MI, October 2019

“William Henry Trescot’s Washington Odyssey,” Stanford Law and Humanities Workshop, Stanford, CA, February 2019

“Author Meets Readers: Amanda Tyler’s *Habeas Corpus in Wartime*,” American Society for Legal History, Houston, TX, November 2018

“The Disputed Legality of the Emancipation Proclamation,” University of Minnesota Legal History Workshop, Minneapolis, MN, October 2018

“The Disputed Legality of the Emancipation Proclamation” George Mason University Law School, Arlington, VA, April 2018

“The Disputed Legality of the Emancipation Proclamation,” Yale Legal History Forum, New Haven, CT, March 2018

“The Disputed Legality of the Emancipation Proclamation,” Boston University Legal History Workshop, Boston, MA, March 2018

“Salmon P. Chase and the Permanency of the Union,” Supreme Court Historical Society, Washington D.C., October 2017

“Secession on Trial,” NYU Legal History Colloquium, New York, NY, February 2017

“Competing Visions of the Civil War: Jefferson and Varina Davis’s Postwar Memoirs,” Nau Center Signature Conference, “War as Muse: Revisiting Iconic Texts of the Civil War Era,” Charlottesville, VA, April 2016

“Reimagining the Union: The Contours of Federalism in the Aftermath of the Civil War,” The Legacy of Charles McCurdy, University of Virginia, Charlottesville, VA, November 2015

“A Test Case on the Legitimacy of Secession in the Aftermath of the Civil War,” Citizenship in the Era of the Civil War, Virginia Tech, Blacksburg, VA, April 2015

Salmon P. Chase Colloquium, Invitee, Georgetown University Law Center, Washington, D.C., December 2014

“The Disputed Constitutionality of the Emancipation Proclamation,” Southern Historical Association Annual Meeting, Atlanta, GA, November 2014

“A Not-so-full-throated Defense of Doctrine,” Opportunities for Law’s Intellectual History Conference, University of Buffalo Law School, Buffalo, NY, October 2014

“The Disputed Constitutionality of the Emancipation Proclamation,” Faculty Workshop, University of Virginia School of Law, Charlottesville, VA, November 2013

“The Disputed Constitutionality of the Emancipation Proclamation,” American Society for Legal History, Miami, FL, November 2013

“The Disputed Constitutionality of the Emancipation Proclamation,” Un-Civil Wars Conference, University of Georgia History Department, Athens, GA, October 2013

“The Disputed Constitutionality of the Emancipation Proclamation,” Law and Society Association, Boston, MA, June 2013

“Author Meets Readers: James Q. Whitman’s *Verdict of Battle*,” American Society for Legal History, St. Louis, MO, November 2012

“The Emancipation Proclamation, the Commander-in-Chief Power, and the Intersection of International and Domestic Law,” American Society for International Law Mid-year Meeting, Athens, GA, October 2012

“Reconstruction, Strategic Litigation, and the Fourteenth Amendment,” Constitution Day Lecture, Mississippi College, Clinton, MS, September 2012

“The Problem of Proving Treason in the Aftermath of the American Civil War,” University of Mississippi Law School, Oxford, MS, April 2012

“Did Secession Really Die at Appomattox?,” Constitution Day Lecture, Mississippi College, Clinton, MS, September 2011

“Strategic Lawyering and the Early Death of Reconstruction,” Law and Society Association Conference, San Francisco, CA, June 2011

“Did Secession Really Die at Appomattox?,” History of American Rights Conference, San Francisco State University, San Francisco, California, September 2009

“Did Secession Really Die at Appomattox?: The Strange Case of *U.S. v. Jefferson Davis*,” Organization of American Historians Conference, Seattle, Washington, March 2009

“The American Civil War as a Trial by Battle,” Kathryn T. Preyer Scholars Panel, American Society for Legal History, Ottawa, Ontario, Canada, November 2008

“The Treason Trial of Jefferson Davis,” Invited Lecturer, Elizabeth Roller Bottimore Lecture on Civil War History, Museum of the Confederacy, Richmond, Virginia, September 2008

“The American Civil War as a Trial by Battle: Federal Supremacy and Secession Ideology among Ex-Confederates.” Law and Society Association Conference, Montreal, Quebec, Canada, May 2008

“The American Civil War as a Trial by Battle,” Harvard Law School Legal History Colloquium, Cambridge, Massachusetts, April 2008

### **Fellowships and Awards**

Richards Prize for the best article in the *Journal of the Civil War Era*, 2021

Hughes-Gossett Award for the best journal article in the *Journal of Supreme Court History*, 2020

Student Council Distinguished Teaching Award, University of Virginia, 2020

William Nelson Cromwell Prize for the best first book in American legal history, 2018

Hay-Nicolay Dissertation Award, Abraham Lincoln Association, 2013

William Nelson Cromwell Prize for the best dissertation in legal history, American Society for Legal History, 2011

J. Willard Hurst Summer Institute in Legal History, University of Wisconsin, June 2009

Kathryn T. Preyer Scholars Award for the best paper in legal history by a young scholar, American Society for Legal History, 2008, for “The American Civil War as a Trial by Battle”

Quinn Dissertation Fellowship, University of Virginia, 2008-2009

Raoul Berger-Mark DeWolfe Howe Visiting Fellowship in Legal History, Harvard Law School, 2007-2008

Huntington Library Research Fellowship, San Marino, California, 2008

Hibernian Research Award, Cushwa Center for the Study of American Catholicism, University of Notre Dame, 2008

Filson Historical Society Travel Grant, Louisville, Kentucky, 2008

Semi-Finalist for 7 Society Award for Teaching Excellence, University of Virginia, Spring 2006

Jefferson Graduate Fellowship, University of Virginia, 2003-2007

Institute for Constitutional Studies, Washington, D.C., Summer 2006

Bernard P. Chamberlain Prize for Best Undergraduate History Thesis, 1999

### **Manuscript Reviewer**

Law and History Review, Yale Law Journal, Stanford Law Review, Cambridge University Press, Johns Hopkins University Press, University of North Carolina Press, Louisiana State University Press, Virginia Magazine of History and Biography, Journal of the Civil War Era

### **Education**

#### **University of Virginia**

Ph.D. in History, August 2010

M.A. in History, 2004 M.A. Thesis: “The New York City Secession Movement”

Major Field: American History, 1845-1877; Minor Field: Medieval European History

Dissertation: “The Great Question of the War: The Legal Status of Secession in the Aftermath of the American Civil War, 1865- 1869” Directed by Gary Gallagher

Winner of the William Nelson Cromwell Dissertation Prize, American Society for Legal History, 2011

Winner of the Hay-Nicolay Dissertation Award, Abraham Lincoln Association, 2013

#### **Harvard Law School**

J.D., 2003

*Harvard Journal of Law and Public Policy*, Assistant Articles Editor, Senior Editor

#### **University of Virginia**

B.A. in History and Government, with Highest Distinction, 1999

*Phi Beta Kappa*, 1998 (as a junior)

Minor in Afro-American and African Studies