### **RACHEL BAYEFSKY**

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### ACADEMIC APPOINTMENTS

# University of Virginia School of Law

Associate Professor of Law, July 2021-

# Hebrew University of Jerusalem, Faculty of Law

Visiting Professor of Law, December 2022

### Harvard Law School

Climenko Fellow and Lecturer on Law, 2017-2018

#### **EDUCATION**

## Yale Law School, J.D., 2015

- Editor-in-Chief, Yale Law Journal
- Israel H. Peres Prize (best note or comment appearing in the Yale Law Journal)
- Ambrose Gherini Prize (award for paper on international environmental law)
- Temporary Restraining Order Project (assistance with domestic violence claims)

## University of Oxford, D.Phil. in Politics, 2013; M.Sc. in Political Theory, 2010

- Rhodes Scholarship
- D.Phil. Thesis: Humiliation and Liberal Democratic Politics
- M.Sc. Thesis: The Concepts of Dignity and Honor in Kant's Philosophy

## Yale University, B.A. in Ethics, Politics & Economics, 2009

• Summa cum laude; Phi Beta Kappa

# **CLERKSHIPS**

U.S. Supreme Court  Law Clerk to Justice Ruth Bader Ginsburg	2018–2019
U.S. Court of Appeals for the Second Circuit Law Clerk to Chief Judge Robert A. Katzmann	2016–2017
U.S. District Court for the Southern District of New York Law Clerk to Judge Jed S. Rakoff	2015–2016
OTHER LEGAL EXPERIENCE	
Akin Gump Strauss Hauer & Feld LLP, Washington, DC Counsel (Jan.–May 2021); Associate (2019–2020) Consultant (June 2021–)	2019–
Paul, Weiss, Rifkind, Wharton & Garrison LLP, New York, NY Summer Associate	2014

Tangibility and Tainted Reliance in Dobbs, 136 HARV. L. REV. FORUM (forthcoming 2023)

Administrative Stays: Power and Procedure, 97 NOTRE DAME L. REV. 1941 (2022) (invited symposium contribution)

• Featured in *National Law Journal's Bench Report* (June 23, 2022)

Order Without Formalism, 90 G.W. L. REV. 1458 (2022) (invited symposium contribution)

Review of Colin Bird, *Human Dignity and Political Criticism* (2021), 85 REVIEW OF POLITICS (2022)

DIGNITY AND JUDICIAL AUTHORITY (Book under contract with Oxford University Press)

Judicial Remedies and Structural Constitutional Violations, Balkinization (2022) (reviewing Aziz Huq, The Collapse of Constitutional Remedies (2021))

Remedies and Respect: Rethinking the Role of Federal Judicial Relief, 109 GEO. L.J. 1263 (2021)

- Best Untenured Article on Federal Jurisdiction, American Association of Law Schools (2021)
- Reviewed by Adam Steinman, *Standing for Something More: Respect and Article III*, Jotwell (Sep. 20, 2021), https://courtslaw.jotwell.com/standing-for-something-more-respect-and-article-iii/

Constitutional Injury and Tangibility, 59 WM. & MARY L. REV. 2285 (2018)

• Cited in the Supreme Court's decision in *TransUnion LLC v. Ramirez*, No. 20-297 (June 25, 2021)

Psychological Harm and Constitutional Standing, 81 Brook. L. Rev. 1555 (2016)

- Cited by courts including the U.S. Court of Appeals for the Sixth Circuit in *Buchholz v. Tanick*, 946 F.3d 855 (6th Cir. 2020)
- Cited in Gellhorn & Byse's Administrative Law: Cases and Comments, ed. Peter L. Strauss, Todd D. Rakoff, Gillian E. Metzger, David J. Barron & Anne Joseph O'Connell (12th ed. 2018)

Note, Dignity as a Value in Agency Cost-Benefit Analysis, 123 YALE L.J. 1732 (2014)

Dignity, Honor, and Human Rights: Kant's Perspective, 41 POLITICAL THEORY 809 (2013)

The State as a Temple of Human Freedom: Hegel on Religion and Politics, in HEGEL ON RELIGION AND POLITICS 39 (Angelica Nuzzo ed., 2012)

*Dignity, Rights, Nature*, 73 REVIEW OF POLITICS 667 (2011) (reviewing GEORGE KATEB, HUMAN DIGNITY (2011))

Civil Disobedience and Political Obligation: Why Are We Obliged to Obey the Law, and When Are We Justified in Breaking It?, 2010 THE NEW COLLECTION 44 (graduate academic journal)

A Diagnosis for the Circularity of Anti-Skeptical Arguments, 3 ARCHÉ 3 (2009) (undergraduate philosophy journal)

#### ADDITIONAL PUBLICATIONS

"Court rules against plaintiff seeking emotional distress damages for discrimination," SCOTUSblog (Apr. 28, 2022)

"Justices mull availability of emotional distress damages in anti-discrimination cases," SCOTUSblog (Dec. 2, 2021)

"Court to consider emotional distress damages under anti-discrimination laws," SCOTUSblog (Nov. 29, 2021)

"Tribute to Justice Ruth Bader Ginsburg," *Administrative & Regulatory Law News*, American Bar Association Administrative Law & Regulatory Practice Section (Fall 2020)

"RBG: she never stopped caring," SCOTUSblog (Sept. 25, 2020)

### **SELECTED PRESENTATIONS**

"Judicial Institutionalism"

- 2023 National Conference of Constitutional Law Scholars, James E. Rogers College of Law, University of Arizona, Mar. 24, 2023
- American Constitution Society scholar meeting, May 6, 2022

"An Eye for an Eye?" University of Virginia Jewish Law Students Association, Mar. 22, 2023

"Justice Ginsburg: Voice through Dissent," National Judicial College, Mar. 15, 2023

"The Dignitary Torts," presented as Scholar-in-Residence in Dignity Law at Widener University Delaware Law School, Feb. 8, 2023

"Dobbs, Reliance, and the Tangible/Intangible Distinction," Constitutional Law Colloquium, Loyola University Chicago School of Law, Nov. 5, 2022

Invited participant, University of Chicago Constitutional Law Institute Habeas Roundtable, Oct. 24, 2022

Panelist, Supreme Court Roundup, University of Virginia School of Law American Constitution Society, Sept. 29, 2022

"Administrative Stays and Federal Equity Power"

- Seventh Annual Civil Procedure Workshop, May 20, 2022
- Seattle University School of Law Faculty Workshop, Mar. 10, 2022
- Notre Dame Law Review Symposium, Notre Dame Law School, Feb. 14, 2022

- "Private Law and Normative Uncertainty," Judging Hard Cases Conference, University of Virginia School of Law, May 13, 2022 (commenting on Rebecca Stone, "A Qualified Defense of Private Law's Misfeasance-Nonfeasance Distinction")
- "Order without Formalism," The George Washington Law Review Symposium, George Washington University Law School, Feb. 25, 2022
- "Contrition and Compulsion: Court-Ordered Apologies and the First Amendment"
  - 2022 National Conference of Constitutional Law Scholars, James E. Rogers College of Law, University of Arizona, Feb. 19, 2022
  - Constitutional Law Colloquium, George Washington University Law School & Loyola University Chicago, Nov. 13, 2021
- "Standing, Harm, and Risk: The Supreme Court's Recent Decision in *TransUnion v. Ramirez*," Three Crowns international arbitration firm, Aug. 5, 2021
- "What \$1 Can Buy: Nominal Damages and Article III," American Constitution Society Constitutional Law Scholars Forum, Mar. 26, 2021
- Panelist, "RBG: Looking Back With Her Clerks," Society of American Law Teachers, Jan. 9, 2021
- Moderator, "Constitutional Theory and Race," Constitutional Law Colloquium, Loyola University Chicago School of Law, Nov. 6, 2020
- "Remedies and Respect: Rethinking the Role of Federal Judicial Relief," Civil Procedure Workshop Fall Scholarship Event, Oct. 23, 2020
- "Complete Relief' and the Nature of an Article III Judicial Remedy," Constitutional Law Colloquium, Loyola University Chicago School of Law, Nov. 9, 2019
- "Spokeo and Emerging Issues in Article III Jurisdiction," U.S. Court of Appeals for the Fifth Circuit Judicial Conference, May 24, 2018
- "Constitutional Injury and Tangibility"
  - University of New Hampshire School of Law Faculty Workshop, Apr. 5, 2018
  - Constitutional Law Forum, Barry University School of Law, Mar. 2, 2018
  - Constitutional Law Colloquium, Loyola University Chicago School of Law, Nov. 4, 2017
- Panelist, Supreme Court Preview—October Term 2017, organized by the Harvard Law Review, Harvard Law Federalist Society, and Harvard Law American Constitution Society, Sept. 26, 2017
- Respondent, "Freedom of Conscience and the Authority of the State," Oxford Graduate Political Theory Conference, Apr. 19–20, 2012
- "Humiliation Beyond Misrecognition," Nuffield Political Theory Workshop, Nuffield College, Oxford, Nov. 28, 2011
- "The Concepts of Dignity and Honor in Kant," Political Studies Association Graduate Conference, University of Oxford, Dec. 6–7, 2010

"The State as a Temple of Human Freedom': Hegel on Religion and Politics," Hegel Society for America, St. Norbert College, Wisconsin, Oct. 8–10, 2010

"The Concept of Human Dignity: Theory and Application," Graduate Colloquium, New College, Oxford, May 5, 2010

"The State as a Temple of Human Freedom': Religion and Politics in the Hegelian State," Politics, Faith, and Reason: Third Cambridge Graduate Conference in Political Thought and Intellectual History, Mar. 15–16, 2010

## PROFESSIONAL SERVICE AND AFFILIATIONS

Bar Admissions: New York (2016), District of Columbia (2020)

Court Admissions: U.S. Courts of Appeals for the D.C., Federal, Second, and Ninth Circuits

Member, Program Committee for Robert A. Katzmann Symposium at NYU Law School

Mentor, Yale Law Women

Mentor, Law Clerks for Diversity

Mentor, The Appellate Project

Member, Junior Scholars Legal Research Workshop

Member, American Bar Association

Member, Federal Bar Council

Faculty Reviewer at journals including Harvard Law Review, Yale Law Journal, Columbia Law Review