

# ALLISON ORR LARSEN

College of William & Mary  
Marshall-Wythe School of Law  
P.O. Box 8795, Williamsburg, Virginia 23187  
[amlarsen@wm.edu](mailto:amlarsen@wm.edu)

---

## EXPERIENCE:

### **College of William & Mary, Marshall-Wythe School of Law, Williamsburg, Virginia**

*Robert E. and Elizabeth S. Scott Research Professor of Law*

*Professor of Law (with tenure)*, 2016 – present

*Associate Professor of Law*, July 2013 – July 2016

*Assistant Professor of Law*, Fall 2010 – July 2013

- Courses Taught: Constitutional law, Administrative law, Statutory Interpretation
- 2018 Plumeri Award for Faculty Excellence (university-wide award)
- 2016 McLaughlin Teaching Award (inaugural recipient, awarded to one law professor)
- 2015 Plumeri Award for Faculty Excellence (university-wide award)
- 2014 SCHEV Outstanding Faculty Award, “Rising Star”
  - Awarded by the State Council of Higher Education of Virginia (SCHEV), these awards are the Commonwealth’s highest honor for faculty at Virginia’s public and private universities.
  - Two faculty members in the state are recognized annually as early career “Rising Stars”
- Class of 2013 Walter Williams Jr Memorial Teaching Award – awarded by graduating class to one member of the faculty
- 2012 Alumni Fellowship Award – a university-wide award given to junior faculty members to recognize outstanding teaching

### **Harvard Law School,**

*Visiting Professor of Law*, Fall 2018

### **Oxford University, UK**

*Visiting Scholar, Hertford College and Centre for Socio-Legal Studies*, Fall 2016

### **Catholic University, Columbus School of Law, Washington, DC**

*Visiting Assistant Professor / Scholar in Residence*, 2009 – 2010

### **O’Melveny & Myers LLP, Washington, DC**

*Associate*, January 2007 to May 2009

- Appellate Litigation and Supreme Court Practice
- Harvard Law School Supreme Court and Appellate Clinic, Associate Coordinator

## JUDICIAL CLERKSHIPS:

**The Honorable David H. Souter**, Supreme Court of the United States

*Law Clerk*, 2005-2006 Term

**The Honorable J. Harvie Wilkinson, III**, U.S. Court of Appeals for the Fourth Circuit

*Law Clerk*, 2004-2005 Term

## PUBLICATIONS & WORKS IN PROGRESS:

*Constitutional Law in an Age of Alternative Facts*, 93 New York Law. Rev. – (forthcoming 2018)

*Supreme Court Norms of Impersonality*, Constitutional Commentary (forthcoming 2018)

*Judicial Decision-Making* (forthcoming casebook; with Barry Friedman, Maggie Lemos, Andrew Martin, Tom Clark and Anna Harvey)

*Judicial Fact-Finding in an Age of Rapid Change: Creative Reforms from Abroad*, 130 Harv. L. Rev. F. 316 (2017)

*The Amicus Machine* (with Neal Devins), 102 Va. Law Rev. 1901 (2016)

Offers new description for origin of many Supreme Court amicus briefs, and argues that the orchestration and coordination of these briefs by repeat players has positive consequences.

- Featured in *The New York Times*, Adam Liptak, *Study Shows How Much Work It Takes to Be Supreme Court's Friend*, (March 7, 2016)

*Do Laws Have a Constitutional Shelf Life?*, 94 Tex. Law Rev. 59 (2015)

Asks whether changed factual circumstances create a distinct reason to invalidate a law, and argues that the Court wrongly applied the concept of constitutional staleness in *Shelby County v. Holder*.

- Selected as Download of the Week by Lawrence Solum, Legal Theory Blog (April 25, 2015)

*The Trouble with Amicus Facts*, 100 VA. LAW REV. 1757 (2014)

Confronts the widespread use of Supreme Court amicus curiae briefs as factual authorities. Expresses concern about the reliability of these submissions in a modern age when it is easy to claim factual expertise.

- Discussed with Stephen Colbert as a guest on Comedy Central's *The Colbert Report* (October 6, 2014)
- Featured in *The New York Times* (Adam Liptak, "Seeking Facts, the Justices Settle for what the Briefs tell Them," September 1, 2014)
- Featured on Talking Points Memo (Sahil Kapur, "Seven Times the Court has Relied on Sketchy Facts," September 2, 2014)
- Selected as one of ten "Downloads of the Year" on Lawrence Solum's, Legal Theory Blog.
- Cited by Seventh Circuit Court of Appeals, *Rowe v. Gibson*, 798 F.3d 622, 638 (2015) (Judge Hamilton, dissenting)

*Factual Precedents*, 162 U. PA. L. REV. 59 (2013)

Discusses the tendency of lower courts to cite Supreme Court cases as authorities on generalized questions of fact and as evidence that the factual claims are true. Highlights the growing emergence of factual precedents and then argues against their use.

- Favorably reviewed on JOTWELL by Adam Steinman, "Judicial Fact-Making" (November 2014)

*Confronting Supreme Court Fact Finding*, 98 VA L. REV. 1255 (2012)

Evaluates the practice of Supreme Court justices to engage in “in house” fact finding; to look beyond the briefs and the record to answer general questions of fact. Argues that changes in technology make this practice common and risky.

- Cited by the Ninth Circuit Court of Appeals, *Isaacson v. Horne*, 716 F.3d 1213, (9th Cir. 2013).
- Featured in *The Washington Post*, (Robert Barnes, “Supreme Court rule: (Other) justices shouldn’t conduct independent research,” March 25, 2018)
- Featured in *The New York Times*, (Adam Liptak, “In Supreme Court Opinions, Web Links to Nowhere,” September 23, 2013)
- Featured in *The Washington Post* (Robert Barnes, “Should Supreme Court Justices Google?” July 8, 2012)
- Featured in *The Boston Globe* (Josh Rothman, “Supreme Court Justices Addicted to Google,” June 7, 2012).

*Bargaining Inside the Black Box*, 99 GEORGETOWN LAW JOURNAL 1567 (2011)

Discusses and evaluates “injury negotiation,” the process that leads to compromise jury verdicts when jurors are given alternative charge options and deliberate to reach a middle ground. Argues that injury negotiation resembles plea bargaining and discusses implications that flow from this comparison.

*Perpetual Dissents*, 15 GEORGE MASON LAW REVIEW 447 (2008)

Analyzes the practice of Supreme Court justices to depart from *stare decisis* with respect to precedents from which they dissented originally. Argues that the practice be confined to very limited circumstances.

- Featured in *The New York Times* (Adam Liptak, “When Perpetual Dissent Removes the Blindfold,” September 5, 2011)

## EDUCATION:

**University of Virginia School of Law, J.D., 2004**

- Highest GPA in a class of 360
- Margaret Hyde Award (highest award given to a UVA law student, selected by the faculty),
- Law School Alumni Award for Academic Excellence, Z Society Shannon Award
- Order of the Coif
- *Virginia Law Review*, Managing Board

**The College of William and Mary**

B.A., *magna cum laude*, English and Psychology, May 1999

## RECENT INVITED PRESENTATIONS

- University of Virginia law school, Faculty Workshop Series (2018)
- Duke Law School, Constitutional Law Workshop Series (2018)
- Arizona State University, Faculty Workshop Series (2018)
- Harvard Law School, Public Law Workshop (2016)
- University of Chicago Law School, Constitutional Law Workshop Series (2016)

- Cornell University School of Law, Constitutional Law Workshop Series (2015)
- University of Pennsylvania School of Law, Con. Law Workshop Series (2014)
- Oral Argument, Podcast (Episode 97 “Fact-y”)
- National Association of Attorneys General (invited speaker to annual meeting of state solicitor generals, June 2016)
- Appellate Judges Education Institute (November 2015, panel on amicus briefs)
- 2015 AALS Panelist, Constitutional Law Section (Discussion: Congress and The Reconstruction Amendments)
- 2016, 2014 & 2012 Virginia Judicial Conference
  - Invited speaker on Supreme Court’s Term to the annual conference for all Virginia judges
- 2013 U.S. Court of Appeals for the Fourth Circuit Judicial Conference
  - Invited speaker and panelist (with Ted Olson, Linda Greenhouse, and John McGinnis) to discuss U.S. Supreme Court’s 2012 Term

#### **SELECT MEDIA APPEARANCES:**

- The Colbert Report, Comedy Central (October 6, 2014) (invited guest)
- CNN, (Ariane de Vouge, “Supreme Court Hears from All Corners of the country ahead of travel ban case,” April 24, 2018)
- Wall Street Journal (Jess Bravin, “Obama’s Gun Plan: A Legal Assessment” January 5, 2016)
- Bloomberg, (Greg Stohr, “Post Scalia Clerk Has Liberals Winning , Conservatives Venting, June 28, 2016)
- Washington Post (Bob Barnes, “Justices Kennedy and Scalia and their Divide on Gay Rights, April 26, 2015)
- Newsweek, (Pema Levy, “Does the Hobby Lobby Decision Threaten Gay Rights,” July 9, 2014)
- C-SPAN (June 29, 2013) (Supreme Court 2012-2013 Term Review)
- CNN, (John Blake, “Has the Roberts Court Placed Landmark 1964 Civil Rights Law on a Hit List,” April 10, 2014)
- NPR WHRV 89.5, Invited guest to discuss the constitutionality of same sex marriage bans) on Hearsay with Cathy Lewis (June 26, 2013 and July 1, 2013)
- Richmond Times-Dispatch, (Markus Schmidt, “ACLU to Challenge Va. Gay Marriage Ban in Court,” July 9, 2013)

#### **PRINCIPAL TEACHING AND RESEARCH INTERESTS:**

CONSTITUTIONAL LAW  
 ADMINISTRATIVE LAW  
 STATUTORY INTERPRETATION  
 JUDICIAL DECISION MAKING  
 CIVIL RIGHTS LITIGATION

#### **ADMITTED TO PRACTICE:**

Virginia, Washington DC