

FRANCESCA LINA PROCACCINI

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CURRENT POSITION

Harvard Law School | *Climenko Fellow & Lecturer on Law*

Courses: Legal Research & Writing; Political Rights and the Courts

EDUCATION

Harvard Law School | J.D., *cum laude*, 2015

Executive Editor – Harvard Law & Policy Review

Articles Editor – Harvard Civil Rights-Civil Liberties Law Review

Recipient of the Heyman Fellowship and Ford Foundation Public Interest Fellowship

Research Assistant to Prof. Yochai Benkler

Barnard College | B.A. in Political Science and Italian, *summa cum laude*, 2010

Phi Beta Kappa

Senior Thesis with Highest Distinction

Speranza Prize for Excellence in Italian Studies

TEACHING & RESEARCH INTERESTS

Primary: Constitutional Law (particularly First Amendment and Separation of Powers), Civil Procedure

Secondary: Federal Courts, Civil Rights Law, Torts

PUBLICATIONS

Equal Speech Protection, 108 VIRGINIA L. REV. (forthcoming 2022)

Reconstructing State Republics, 89 FORDHAM L. REV. 2157 (2021)

Faithfully Executed? The Legal and Rational Imperative of Declining to Seek the Federal Death Penalty in Abolitionist States, 53 HARV. J. ON LEGIS. (2016)

Stemming the Rising Risk of Credit Inequality: The Fair and Faithful Interpretation of the ECOA's Disparate Impact Prohibition, 9 HARV. L. & POL'Y REV. S43 (2015)

JUDICIAL CLERKSHIP

U.S. Court of Appeals for the Ninth Circuit, Judge Jerome Farris, 2015- 2016

ADDITIONAL ACADEMIC APPOINTMENTS

- Yale Law School Information Society Project | *Fellow*** **2019-present**
Scholarship: modern applications of First Amendment law to digital political speech
- Yale Law School | *Lecturer in Law*** **2019-2021**
Course: The Roberts Court & Freedom of Speech (co-taught with Floyd Abrams)
- Yale Law School | *Clinical Lecturer & Research Scholar*** **2019-2020**
Course: Media Freedom & Information Access I & II
Clinical work: supervised free press, free speech, and government transparency litigation

LEGAL EMPLOYMENT EXPERIENCE

- U.S. Dept. of Justice, Civil Rights Division, Appellate Section | *Attorney*** **2016-2019**
Handled government appeals and appellate oral arguments in federal civil rights cases; drafted Supreme Court merits and cert. stage briefs; provided legal counsel on novel civil rights questions.
- Lawfare | *Contributor*** **2015-2016**
Wrote legal commentary on the Guantanamo military commissions and privacy and technology cases.
- National Consumer Law Center | *Fellow*** **Summer 2014**
Drafted briefs in class action lawsuits alleging consumer fraud and predatory lending practices.
- Sidley Austin LLP | *Summer Associate*** **Summer 2014**
Drafted appellate briefs in multiple Eighth Amendment cases involving juvenile offenders.
- White House Counsel's Office | *Legal Fellow*** **Summer 2013**
Researched questions of executive power, national security law, access to information, and civil rights.

SELECTED ADDITIONAL WRITINGS

- RBG's Greatest Insight*, THE ATLANTIC (Sept. 22, 2020)
- White Paper: The Protective Order Problem*, MEDIA FREEDOM & INFORMATION ACCESS CLINIC, YALE LAW SCHOOL (Oct. 2020)
- Partisan Gerrymandering: State Courts Come to Bat on the Free Speech Issue of Our Day*, 2 M.D. BAR J. 128 (2020)
- Brief of the Abrams Institute of Freedom of Expression as Amicus Curiae, *Rucho v. Common Cause*, 588 U.S. ___ (2019) (Nos. 18-422, 18-726) (arguing partisan gerrymandering is speech discrimination in violation of the First Amendment)
- Brief of Scholars of First Amendment and Information Law as Amici Curiae, *Animal Legal Defense Fund v. Reynolds*, No. 19-1364 (8th Cir. 2019) (arguing a law against lying to access an agricultural facility violates the First Amendment right of newsgathering)

SELECTED PRESENTATIONS

Equal Speech Protection, Freedom of Expression Scholars Conference, Yale Law School, May 2021;
Information Society Project Workshop, Yale Law School, January 2021; Law and Tech Scholars
Workshop, July 2020

Hate Speech and Free Speech, Frontiers of Free Speech course, Harvard Law School, Guest Lecturer for
Prof. Martha Minow, October 2020, and Evelyn Douek, February 2021

Empires or Umpires? Political Questions, Separations of Powers, and Judicial Legitimacy, Connecticut Law
Review Symposium, University of Connecticut School of Law, October 2020 (with Hon. Richard A.
Robinson and Prof. Chad Oldfather)

Supreme Court Preview, Harvard Law School, October 2020 (with Professors Stephanie Barclay,
Benjamin Eidelson, and Lawrence Lessig)

Trump, Twitter, and the First Amendment, The First Amendment Salon, January 2020 (with Professors
Noah Feldman and Jameel Jaffer)

Democracy and Dysfunction, Faculty Book Talk Series, Yale Law School, November 2019 (with Professors
Jack Balkin, Sanford Levinson, Justin Driver, Jacob Hacker, and Robert Post)

The Impact of Money, Politics, and Censorship on a Free Press, United Nations Association of Southwestern
Connecticut, May 2019 (with Congressman Jim Himes)

BAR ADMISSION

Admitted to the Bar of New York (2016)