

# FRANCESCA LINA PROCACCINI

Griswold 1 North, 1525 Massachusetts Avenue, Cambridge MA 02138  
413-222-3547 | fprocaccini@law.harvard.edu

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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

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

## LEGAL EMPLOYMENT EXPERIENCE

<b>U.S. Dept. of Justice, Civil Rights Division, Appellate Section   Attorney</b> 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.	<b>2016-2019</b>
<b>Lawfare   Contributor</b> Wrote legal commentary on the Guantanamo military commissions and privacy and technology cases.	<b>2015-2016</b>
<b>National Consumer Law Center   Fellow</b> Drafted briefs in class action lawsuits alleging consumer fraud and predatory lending practices.	<b>Summer 2014</b>
<b>Sidley Austin LLP   Summer Associate</b> Drafted appellate briefs in multiple Eighth Amendment cases involving juvenile offenders.	<b>Summer 2014</b>
<b>White House Counsel's Office   Legal Fellow</b> Researched questions of executive power, national security law, access to information, and civil rights.	<b>Summer 2013</b>

## 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)