

NITA A. FARAHANY

Duke Law School • 210 Science Drive • Durham, NC • 27708
nfarahan@me.com

ACADEMIC APPOINTMENTS

Duke University, Durham, NC

Professor of Law, Duke Law School 2012-present
Research Professor, Institute for Genome, Sciences, and Policy 2012-present

Stanford Law School, Palo Alto, CA

Leah Kaplan Visiting Professor of Human Rights Fall 2011
Visiting Associate Professor of Law Winter-Spring 2011
Courses: Criminal Law; Genetics and Reproductive Technologies (cross-listed in medical school); Current Topics in Bioethics (cross-listed in medical school); Liability, Responsibility & Punishment (cross-listed in philosophy)

Vanderbilt University, Nashville, TN

Associate Professor of Law, Associate Professor of Philosophy 2009-2012
Assistant Professor of Law, Assistant Professor of Philosophy 2006-2009
Vanderbilt Fellow and Instructor in Law 2005-2006
Focus: law & science (behavioral genetics, neuroscience), criminal law, torts, philosophy of law, philosophy of science, philosophy of mind, neuroethics, bioethics
Courses: Torts; Criminal Law; Constitutional Law of Crime & Punishment; Liability, Responsibility & Punishment; Law and Biosciences; Life of the Law

EDUCATION

Duke University, Durham, N.C.

Ph.D. in Philosophy, Graduate School of Arts and Sciences, 2006

- Dissertation: *Rediscovering Criminal Responsibility through Behavioral Genetics*; Committee: Alexander Rosenberg (Advisor), Martin Golding, Allen Buchanan, James E. Coleman, Jr., Lauren Dame

M.A. in Philosophy, Graduate School of Arts and Sciences, 2004

- Master's Thesis: *The Limited Applicability of Estimates of Genetic Heritability*

J.D., School of Law, 2004

- High Honors, Order of the Coif
- Research Assistant to Senior Associate Dean James Coleman, Professors David Lange and Walter Dellinger; Teaching Fellow for Professor Thomas Metzloff, *Distinctive Aspects of U.S. Law*
- *Law and Contemporary Problems*, Executive Board, 2003-04; Staff Editor, 2002-03
- Moot Court Team, Winner of the 2003 National Sutherland Cup Competition; Duke National Team 2003-04 and regional quarter-finalist; Executive Board Member 2002-03
- *Amicus Curiae* in *U.S. v. O'Connor* (co-authored brief and presented oral argument before U.S.C.A.A.F.)
- Pro Bono work for N.C. Center for Death Penalty Litigation; Duke University Actual Innocence Project

Harvard University, Cambridge, MA

A.L.M. (Biology), Harvard Extension School, 2007

Thesis: *Prescribing Culpability*; Advisor: Charles J. Ogletree

Dartmouth College, Hanover, N.H.

A.B. in Genetics, Cell and Developmental Biology, 1998

- Rockefeller Public Service Scholarship; Lucas Third World Internship; American College of Obstetrics and Gynecologists Scholarship; Pat Bailey Award for Forensic Excellence

GOVERNMENT SERVICE

- Presidential Commission for the Study of Bioethical Issues, *Member* 2010-present
- Georgia State Bar, Labor and Employment Section, Committee on Pattern Civil Jury Instructions for the 11th Circuit Federal Court of Appeals, *Member* Summer 2010
- Hon. Judith W. Rogers, U.S. Court of Appeals, D.C. Circuit, Washington, D.C., *Law Clerk* 2004-2005

SCHOLARSHIP

Publications

- *Law and Behavioral Morality* (in NOMOS LII: YEARBOOK OF THE AMERICAN SOCIETY FOR POLITICAL AND LEGAL PHILOSOPHY XIX, Sanford Levinson, ed., 2012)
- *Searching Secrets*, 160 U. Penn. L. Rev. 1239 (2012)
- *Incriminating Thoughts*, 64 Stanford Law Review 351 (2012)
- *A Neurological Foundation for Freedom*, 2012 STANFORD TECHNOLOGY LAW REVIEW 4 (2012)
- *Introduction*, in THE IMPACT OF BEHAVIORAL SCIENCES ON CRIMINAL LAW (Nita A. Farahany ed., Oxford University Press 2009) (2009)
- *Genetics, Neuroscience, and Criminal Responsibility*, in THE IMPACT OF BEHAVIORAL SCIENCES ON CRIMINAL LAW (Nita A. Farahany ed., Oxford University Press 2009) (2009)
- *Cruel and Unequal Punishment*, 86 Washington University Law Review 859 (2009)
- *Bad Nature, Bad Nurture, and Testimony in Murder Trials*, 52 *Journal of Forensic Sciences* 1362 (William Bernet, M.D., Cindy L. Vnencak-Jones, Ph.D., Nita A. Farahany, J.D., M.A., A.L.M., Ph.D., and Stephen A. Montgomery, M.D.) (2007)
- *Behavioural Genetics in Criminal Cases: Past, Present and Future*, 1 GENOMICS, SOCIETY & POLICY 2 (2006) (Nita Farahany & William Bernet)
- *Genetics and Responsibility: To Know the Criminal from the Crime*, 69 LAW & CONTEMPORARY PROBLEMS 115 (Winter/Spring 2006) (Nita A. Farahany & James E. Coleman, Jr.)
- *Foreword*, 69 LAW AND CONTEMPORARY PROBLEMS 1 (2006)
- Co-Special Editor of *Law & Contemporary Problems* Winter/Spring 2006 symposium on The Impact of Behavioral Genetics on Criminal Law

Books

- THE IMPACT OF BEHAVIORAL SCIENCES ON CRIMINAL LAW (Nita A. Farahany, ed., Oxford University Press 2009)

Other Publications

- *What are They Thinking?: The Government is Trying to Wrap its Mind Around Yours*, WASH. POST, April 13, 2008, at B3.

Works in Progress

- *Empirical use of Behavioral Genetics and Neuroscience in Criminal Law, 2004-2010*
- *Privacy Lost and Found*
- *On Cognitive Liberty*

INVITED WORKSHOPS & PRESENTATIONS

- *Intellectual Property Frameworks for Synthetic Biology*, invited panelist speaker, Synthetic Biology Symposium hosted by the National Academy of Sciences (NAS), National Academy of Engineering (NAE), Royal Society (RS), Royal Academy of Engineering (RAE), Chinese Academy of Sciences (CAS) and Chinese Academy of Engineering (CAE), Washington, D.C., June 2012
- *Neuroscience and Free Will*, invited panelist speaker, San Francisco Public Defender's Justice Summit, May 2012

- *Decoding the Brain: Ethical and Legal Issues*, invited speaker, Stanford Law School Center for Law and Biosciences, April 2012
- *Incriminating Thoughts*, and *Privacy Lost and Found*, invited speaker, John Hopkins Berman Institute of Bioethics Seminar Series, Washington, DC, April 2012
- *Memories of the Guilty Mind*, panel organizer and invited speaker, 2012 Nevada U.S. District Court Annual Conference, Reno, Nevada, April 2012
- *Incriminating Thoughts*, invited speaker, Duke Law School Faculty Workshop Series, February 2012
- *Biosciences in the U.S. Courtroom*, invited speaker, American Association for the Advancement of Science Annual Meeting, Halifax, Nova Scotia, February 2012
- *Synthetic Biology Roundtable Working Group Meeting*, co-organizer and participant, Stanford University, January 2012
- *Searching Secrets*, invited speaker, Public Law and Theory Workshop, Chicago Law School, January 2012
- *Searching Secrets*, invited speaker, Petrie-Flom Center for Health Law Policy, Biotechnology and Bioethics of Harvard Law School, Colloquium Series, Harvard Law School, January 2012
- *Empirical Use of Biosciences in Criminal Law*, invited speaker, Seminar on Law and Genetics for Judges, Co-sponsored by the Federal Judicial Center & Stanford Law School, January 2012
- *Searching Secrets*, invited speaker, Stanford Law School Faculty Workshop Series, December 2011
- *Current Issues for the Presidential Commission for the Study of Bioethical Issues*, Center for Law and Biosciences, Stanford University, November 2011
- *ELSI Issues in Synthetic Biology*, National Research Council Study Committee, UC Irvine, October 2011
- *Behavioral Sciences in US Case Law*, United States Court of Appeals for the Ninth Circuit Judicial Conference, invited speaker, August 2011
- *Empirical Use of Behavioral Sciences in US Case Law*, United States Court of Appeals for the Second Circuit Judicial Conference, invited speaker, June 2011
- *Neuroscience in the Courtroom, Ethical, Legal and Social Implications*, NIH, invited speaker, Chapel Hill, NC, April 2011
- *Incriminating Thoughts*, Yale/Harvard/Chicago Annual Criminal Law Roundtable, invited speaker, New Haven, CT, April 2011
- *Promises and Perils of Emerging Neuroscience*, Duke Law School, invited keynote luncheon speaker, May 2011
- *Confronting Our Memories*, conference organizer and speaker, Law and Memory Conference, Stanford University, April 2011
- *Neuroscience & Behavioral Genetics in the Courtroom: Past, Present & Future*, invited speaker, AAAS Seminar for Judges, Phoenix, AZ, March 2011
- *Neuroscience & Behavioral Genetics in the Courtroom: Past, Present & Future*, invited speaker, DANA Alliance Conference on Law and the Brain, New York, NY, March 2011
- *Incriminating Thoughts*, invited speaker, Stanford Law School Faculty Workshop Series, February 2011
- *Incriminating Thoughts*, invited speaker, Stanford Law & Biosciences Colloquium, February 2011
- *Neuroscience in the Courtroom*, invited speaker, Stanford Law School Judicial Seminar, January 2011
- *Incriminating Thoughts*, Faculty Workshop Speaker, George Washington University Law School, October 2010
- *Empirical Use of Behavioral Sciences in North America*, invited speaker, Neuroscience and European and North American Case Law, Milan, Italy, September 2010
- *Neuroscience & Behavioral Genetics in the Courtroom: Past, Present & Future*, invited speaker, AAAS Seminar for Federal Judges, June 2010
- *Freedom of Action*, invited speaker, Gruter Institute Annual Conference, Squaw Valley, NV, May 2010
- *Freedom of Action*, invited speaker, CIHR Conference on Neuroimaging Ethics: From Theory to Practice, Halifax, Canada, May 2010
- *Neuroscience as a Tool for Legal Taxonomy*, invited speaker, MacArthur Law & Neuroscience Project and the Oxford Neuroethics Centre, AAAS, Washington, DC, May 2010
- *Neuroscience and Freedom*, speaker, *Moral Biology Conference*, Harvard Law School, April 2010
- *Law & Biosciences*, moderator and conference organizer, Vanderbilt Law School, March 2010

- *Neuroscience & Behavioral Genetics in the Courtroom: Past, Present & Future*, invited speaker, Seminar on Law and Neuroscience for Judges, Co-sponsored by the Federal Judicial Center; hosted by the Petrie-Flom Center for Health Law Policy, Biotechnology and Bioethics of Harvard Law School, Harvard Law School, March 2010.
- *Judging Neuroscience*, speaker, Neuroscience in the Courtroom: What Judges Need to Know, AAAS Program, Halifax, Canada, February 2010
- *Neuroscience and Free Will*, selected speaker, criminal law panel, Association of American Law Schools, New Orleans, LA, January 2010
- *Neuroscience & Behavioral Genetics in the Courtroom: Past, Present & Future*, invited speaker, National Judicial College Seminar for Judges, Nashville, TN, November 2009
- *New Technology, New Society?*, invited panelist, Global Women's Forum, Deauville, France, October 2009
- *Junior Criminal Law Scholars Conference*, Workshop Participant, George Washington University Law School, July 2009
- *Incriminating Thoughts*, invited speaker, Fourteenth Annual Current Legal Issues Inter-Disciplinary Colloquium, University College London, London, UK, July 2009
- *Neuroscience & Behavioral Genetics in the Courtroom: Past, Present & Future*, invited speaker, National Judicial College Seminar for Judges, Nashville, TN, June, 2009
- *Neuroscience and National Security*, invited symposium speaker and participant, *Stanford Technology Law Review Conference*, Stanford University Law School, February 2009
- *Cruel and Unequal Punishment*, invited Faculty Workshop, Stanford University Law School, February 2009
- *Neurosecurity*, invited speaker, Center for Law and Biosciences, Stanford University Law School, February 2009
- *Neuroscience Judges Seminar*, invited participant, hosted by AAAS, November 2008
- *Cruel and Unequal Punishment*, invited Faculty Workshop, Duke Law School, October 2008
- *Neuroscience, Law and Policy*, invited speaker, Beyond Belief III, Salk Institute, October 2008
- *Law, Neuroscience, and Behavioral Morality*, Neuroscience, Law & Government Symposium, University of Akron School of Law, September 2008
- *Law and Behavioral Morality*, invited speaker, American Society for Political and Legal Philosophy Annual Conference, August 2008
- *Junior Criminal Law Scholars Conference*, Workshop Participant, George Washington University Law School, August 2008
- *Incriminating Thoughts*, invited speaker, Stanford University, April 2008
- *Neuroscience in the Criminal Justice System*, invited speaker, National Association of Criminal Defense Lawyers Mid-winter meeting, February 2008
- *Criminal Law Overview, MacArthur Law and Neuroscience Project*, invited presentation to NDM working group session, hosted at Vanderbilt University Law School, February 2008
- Invited Roundtable Participant for *Judging Genes: Implications of the Second Generation of Genetic Tests in the Courtroom*, University of Maryland, January 2008
- Invited panelist for workshop on *Neuroethics and the Ethical Implications of Augmented Cognition*, University of Florida, October 2007
- *Science and the Eighth Amendment*, Amherst College, Evidentiary Processes in Law & Science Series, October 2007
- *Behavioral Sciences in the Law*, 2007 Second Circuit Judicial Conference, invited speaker, June 2007
- *Recent Use of Behavioral Genetics in Criminal Cases*, invited speaker, Interpreting Complexity: The Scientific and Social Meaning of Behavior Conference, hosted by CIRGE, Stanford University, June 2006
- *Bad Nature, Bad Nurture, and Testimony regarding MAOA and SLC6A4 Genes at Murder Trials*, presentation, American Academy of Forensic Sciences Annual Meeting, February 2006
- *Legal Precedents, Culpability, and MAOA and SLC6A4 genotyping of criminal defendants*, presentation, Psychiatric Grand Rounds, Vanderbilt Medical School, January 2006
- *Genetic Predispositions in Criminal Law*, invited speaker, CSI: Nashville, Vanderbilt University, September 2005
- *Rediscovering Criminal Responsibility through Behavioral Genetics, Law & Contemporary Problems* Conference on The Impact of Behavioral Genetics on Criminal Law, Duke University, April 2005
- *Science or Science Fiction? Behavioral Genetics of Criminal Behavior*, Genome, Ethics, Law & Policy Series, Duke University, April 2004

MEMBERSHIPS

U.S. Supreme Court Bar, New York State Bar, U.S. Court of Appeals for the D.C. Circuit Bar, American Bar Association, International Society for Neuroethics (Board Member), American Association for the Advancement of Science (AAAS)

SERVICE

American Association of Law Schools, Secretary (January 2011-2012); Chair Elect (January 2012-2013); Member, Dartmouth Alumni Council (August 2010-August 2013); Board Member, Duke Law Alumni Association (July 2011-present)