

**NITA A. FARAHANY**

Duke Law School • 210 Science Drive • Durham, NC • 27708

farahany@duke.edu • 919-613-8514

---

**ACADEMIC APPOINTMENTS**

**Duke University, Durham, NC**

<i>Faculty Director, Duke MA in Bioethics &amp; Science Policy</i>	2014-present
<i>Director, Duke Science and Society initiative</i>	2013-present
<i>Professor of Law, Duke Law School</i>	2012-present
<i>Professor of Philosophy (by courtesy)</i>	2012-present
<i>Professor, Institute for Genome, Sciences, and Policy</i>	2012-2014

**Stanford Law School, Palo Alto, CA**

<i>Leah Kaplan Visiting Professor of Human Rights</i>	Fall 2011
<i>Visiting Associate Professor of Law</i>	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**

<i>Associate Professor of Law, Associate Professor of Philosophy</i>	2009-2012
<i>Assistant Professor of Law, Assistant Professor of Philosophy</i>	2006-2009
<i>Vanderbilt Fellow and Instructor in Law</i>	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 11<sup>th</sup> 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

- *The FDA is Overcautious on Consumer Genomics*, 505 *Nature* 286 (Robert C. Green & Nita A. Farahany) (Jan. 16, 2014)
- *Redefining Genomic Privacy: Trust and Empowerment*, Yaniv Erlich, James B Williams, David Glazer, Kenneth Yocum, Nita Farahany, Maynard Olson, Arvind Narayanan, Lincoln D Stein, Jan A Witkowski, Robert C Kainm, *PLoS Biology* November 2014; 12(11).
- *Inability to Consent Does Not Diminish the Desirability of Stroke Thrombolysis*, Winston Chiong, Anthony S. Kim, Ivy A. Huang, Nita A. Farahany, S. Andrew Josephson, *Annals of Neurology* 08/2014; 76(2).
- *Testing the Presumption of Consent to Emergency Treatment for Acute Ischemic Stroke*, Winston Chiong, Anthony S Kim, Ivy A Huang, Nita A Farahany, S Andrew Josephson, *The Journal of the American Medical Association* 04/2014; 311(16).
- *Life Begins at Consciousness*, forthcoming in *Finding Consciousness* (Walter Sinnott-Armstrong, ed., Oxford University Press 2014)
- *Introduction*, *The Island of Dr. Moreau* (Signet Classics, Penguin 2014)
- *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, Neurscience, 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, 2004-2012*
- *On Cognitive Liberty*
- *The Cost of Changing Our Mind*

## INVITED WORKSHOPS & PRESENTATIONS

- *The Poliak Lecture: Is Freedom a Mental State?*, Tim Wu in conversation with Nita Farahany and Michael Shadlen, Columbia University School of Journalism, April 2015.
- *NIH Workshop: Ethical Issues in Neuroscience Research*, invited workshop attendee, National Institute of Health, Bethesda, MD, November 2014
- *Neuroscience in the Criminal Courtroom—A Multi-Country Study*, panelist, International Neuroethics Society Annual Meeting, Washington, DC, October 2014
- *Neuroscience in the Courtroom*, invited speaker, AAAS and Federal Judicial Center Conference on Neuroscience for Judges, Austin, TX, October 2014
- *The Costs of Changing Our Minds*, invited speaker, Columbia Law School Legal Theory Workshop, New York, NY, October 2014
- *On Cognitive Liberty*, invited keynote speaker, CEO Global Leaders Forum, New York, NY, October 2014
- *Neuroethics and the Law: The Legal Brainscape*, keynote speaker, Stanford University Neuroscience Institute inaugural conference, Palo Alto, CA, October 2014
- *Congressional briefing on “Advances in personal genetics and GINA: Expanding options and protecting civil rights”*, invited panelist, Organized by the Personal Genetics Education Project of Harvard Medical School in cooperation with the offices of Congresswoman Louise M. Slaughter and Senator Elizabeth Warren, Washington, DC, October 2014
- *On Cognitive Liberty*, keynote speaker, Atlanta Neuroethics Consortium conference on Neuro-interventions and the Law, Atlanta, GA, September 2014
- *On Cognitive Liberty*, invited speaker, Aspen Ideas Festival, Aspen, CO, July 2014
- *Designer Genes: Fashioning Our Biological Future*, invited speaker, World Science Festival, New York, NY, May 2014
- *Legal and Social Developments from Genetics*, invited speaker, Alaska Bar Convention, Anchorage, AK, May 2014
- *Health, Law & Your Brain*, Duke Forward, Philadelphia, PA, May 2014
- *Blaming the Brain: Behavioral Sciences in the Courtroom*, invited keynote speaker, Brain Matters Conference, Vancouver, Canada, March 2014
- *DSM V, NIMH, and the Neurobiological Model of Behavior in Law*, invited panelist Petrie-Flom Center for Health Law Policy, Biotechnology and Bioethics of Harvard Law School, Colloquium Series, Harvard Law School, March 2014
- *Brains, Criminal Law, and Self*, invited speaker, MacArthur Law & Neuroscience Project Meeting, Miami, FL, February 2014
- *Brains and Criminal Law*, invited speaker, Duke Center for Addiction and Behavioral Sciences, Conference on Determination and Determinism, Durham, NC, January 2014
- *Genes, Brain and the Law*, invited speaker, Federal Judicial Center and Stanford University Conference on Genetics for Judges, Stanford, CA, January 2014
- *Genomic Privacy and Technological Advances*, invited attendee, Banbury Meeting, Cold Springs Harbor, NY, December 2013
- *Privacy and Self*, invited speaker, NYU Brain and Society Meeting, New York, NY, December 2013
- *Blaming the Brain: Behavioral Sciences in the Courtroom*, invited special David Kopf special lecturer, Society for Neuroscience, San Diego, CA, November 2013
- *Behavioral Sciences in U.S. Law*, invited speaker, United States Court of Appeals for the 10th Circuit, Annual Judicial Conference, Colorado, August 2013
- *Behavioral Sciences in U.S. Law*, invited speaker, AALS Criminal Justice Section Mid-Year Meeting, San Diego, CA July 2013

- *Genomics, Privacy and Society*, Conference on Genetics at UVA, Charlottesville, VA, June 9, 2013
- *Behavioral Sciences in U.S. Law*, Federal Judicial Center and AAAS Conference on Neuroscience for Judges, Atlanta, GA, April 2013
- *Privacy Lost and Found*, invited keynote speaker, UNC D-CIDES Genetics Conference, April 2013
- *Behavioral Sciences in U.S. Law*, MacArthur Law & Neuroscience Project, Chicago, Illinois, April 2013
- *Vanderbilt University School of Law Criminal Law Scholars Roundtable*, invited commentator, March 2013
- *Fetal Pain and Consciousness*, invited speaker, Stanford Conference on the 40<sup>th</sup> Anniversary of *Roe v. Wade*, March 2013
- *On Cognitive Liberty*, invited speaker, Stanford Center on Law & Biosciences, March 2013
- *Synthetic Biology and Intellectual Property Law*, invited panelist, American Law Institute Young Scholar Conference on Patent Law, Washington, DC, February 2013
- “*Prohibit Genetically Engineered Babies*,” Invited Debater Against the Resolution, Intelligence Squared U.S./PBS/NPR, New York, NY, February 2013
- *Genetics in the Law*, panelist, UC Hastings, San Francisco, CA, February 2013
- *Privacy Roundtable*, participant, University of Arizona School of Law, Tempe, Arizona, January 2013
- *Behavioral Sciences in U.S. Law*, Federal Judicial Center and Stanford University Conference on Genetics for Judges, Stanford, CA, January 2013
- *Finding Consciousness – Implications for Law and Ethics*, Finding Consciousness Conference, Duke University, Durham, NC, January 2013
- *Behavioral Sciences in U.S. Law*, Accuracy and Errors Conference, Duke Law School, Durham, NC, November 2012
- *Neuroscience and Self*, keynote speaker, International Society for Neuroethics Annual Meeting, New Orleans, LA, October 2012
- *Behavioral Sciences in U.S. Law*, invited speaker, College of Charleston, Charleston, SC, October 2012
- *On Cognitive Liberty*, invited speaker, Neuroscience and Public Policy (N&PP) Seminar, University of Wisconsin, September 2012
- *Neuroscience and Neuroethics*, invited speaker, 21<sup>st</sup> Annual Short Course on Experimental Models for Human Cancer, Cold Springs Harbor, ME, August 2012
- *On Cognitive Liberty*, invited keynote speaker, *Australian Society of Legal Philosophy* annual conference, Macquarie University, Sydney, Australia, July 2012
- *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)

#### **EDITORIAL POSITIONS**

Co-Editor in Chief and Co-Founder of the Journal of Law & the Biosciences (a joint venture between Duke University, Harvard University, Oxford University Press and Stanford University); Editorial Board Member, American Journal of Bioethics – Neuroethics

#### **HONORS AND AWARDS**

Elected Member of the American Law Institute, Special David Kopf Lecturer at Society for Neuroscience; 2013 Paul M. Bator Award Recipient (awarded annually by the Federalist Society to a scholar under 40 who has made a “significant public impact through their work and demonstrate excellence in legal scholarship, a commitment to teaching, and a concern for students.”).

#### **SERVICE**

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