

RACHEL BAYEFSKY

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CURRENT POSITION

University of Virginia School of Law

Associate Professor of Law, 2021–

EDUCATION

Yale Law School, J.D., 2015

- Editor-in-Chief, *Yale Law Journal*
- Israel H. Peres Prize (best note or comment appearing in the *Yale Law Journal*)
- Ambrose Gherini Prize (award for paper on international environmental law)
- Temporary Restraining Order Project (assistance with domestic violence claims)

University of Oxford, D.Phil. in Politics, 2013; M.Sc. in Political Theory, 2010

- Rhodes Scholarship
- D.Phil. Thesis: *Humiliation and Liberal Democratic Politics*
- M.Sc. Thesis: *The Concepts of Dignity and Honor in Kant's Philosophy*

Yale University, B.A. in Ethics, Politics & Economics, 2009

- *Summa cum laude*; Phi Beta Kappa

CLERKSHIPS

U.S. Supreme Court

Law Clerk to Justice Ruth Bader Ginsburg

2018–2019

U.S. Court of Appeals for the Second Circuit

Law Clerk to Chief Judge Robert A. Katzmann

2016–2017

U.S. District Court for the Southern District of New York

Law Clerk to Judge Jed S. Rakoff

2015–2016

OTHER ACADEMIC APPOINTMENTS

Radzyner Law School, Reichman University

Visiting Professor of Law, May 2024

Hebrew University of Jerusalem, Faculty of Law

Visiting Professor of Law, December 2022

Harvard Law School

Climenko Fellow and Lecturer on Law, 2017–2018

OTHER LEGAL EXPERIENCE

Akin Gump Strauss Hauer & Feld LLP, Washington, DC 2019–2021
Counsel (2021); Associate (2019–2020)

Paul, Weiss, Rifkind, Wharton & Garrison LLP, New York, NY 2014
Summer Associate

PUBLICATIONS

Book

Dignity and Judicial Authority (Oxford University Press, 2024) ([link](#))

Academic Articles

Judicial Institutionalism, 109 CORNELL L. REV. 1297 (2024) ([link](#))

- Reviewed by Marin K. Levy, (*In Defense of*) *Judicial Institutionalism*, Jotwell (Nov. 22, 2024) ([link](#))

Public-Law Litigation at a Crossroads: Article III Standing and “Tester” Plaintiffs, 99 N.Y.U. L. REV. ONLINE 128 (2024) ([link](#))

Tangibility and Tainted Reliance in Dobbs, 136 HARV. L. REV. FORUM 384 (2023) ([link](#))

Administrative Stays: Power and Procedure, 97 NOTRE DAME L. REV. 1941 (2022) ([link](#)) (invited symposium contribution)

- Featured in *National Law Journal’s* Bench Report (June 23, 2022) ([link](#))
- Cited in opinions including *United States v. Texas*, 144 S. Ct. 797 (2024) (Barrett, J., concurring)

Order Without Formalism, 90 GEO. WASH. L. REV. 1458 (2022) ([link](#)) (invited symposium contribution)

Review of Colin Bird, *Human Dignity and Political Criticism* (2021), 85 REVIEW OF POLITICS (2022) ([link](#))

Remedies and Respect: Rethinking the Role of Federal Judicial Relief, 109 GEORGETOWN L.J. 1263 (2021) ([link](#))

- Best Untenured Article on Federal Jurisdiction, American Association of Law Schools (2021)
- Reviewed by Adam Steinman, *Standing for Something More: Respect and Article III*, Jotwell (Sept. 20, 2021) ([link](#))

Constitutional Injury and Tangibility, 59 WM. & MARY L. REV. 2285 (2018) ([link](#))

- Cited in the Supreme Court’s decision in *TransUnion LLC v. Ramirez*, 141 S. Ct. 2190 (2021)

Psychological Harm and Constitutional Standing, 81 BROOKLYN L. REV. 1555 (2016) ([link](#))

- Cited by courts including the U.S. Court of Appeals for the Sixth Circuit in *Buchholz v. Tanick*, 946 F.3d 855 (6th Cir. 2020)

Note, *Dignity as a Value in Agency Cost-Benefit Analysis*, 123 YALE L.J. 1732 (2014) ([link](#))

- Cited in U.S. Office of Management & Budget, *Regulatory Analysis* (2023)

Dignity, Honor, and Human Rights: Kant's Perspective, 41 POLITICAL THEORY 809 (2013) ([link](#))

The State as a Temple of Human Freedom: Hegel on Religion and Politics, in HEGEL ON RELIGION AND POLITICS 39 (Angelica Nuzzo ed., 2012)

Dignity, Rights, Nature, 73 REVIEW OF POLITICS 667 (2011) (reviewing GEORGE KATEB, HUMAN DIGNITY (2011)) ([link](#))

Civil Disobedience and Political Obligation: Why Are We Obligated to Obey the Law, and When Are We Justified in Breaking It?, 2010 THE NEW COLLECTION 44 (graduate academic journal of New College, Oxford) ([link](#))

A Diagnosis for the Circularity of Anti-Skeptical Arguments, 3 ARCHÉ 3 (2009) (undergraduate philosophy journal) ([link](#))

Additional Publications

Judicial Remedies and Structural Constitutional Violations, Balkinization (2022) (reviewing Aziz Huq, *The Collapse of Constitutional Remedies* (2021)) ([link](#))

“Court rules against plaintiff seeking emotional distress damages for discrimination,” SCOTUSblog (Apr. 28, 2022) ([link](#))

“Justices mull availability of emotional distress damages in anti-discrimination cases,” SCOTUSblog (Dec. 2, 2021) ([link](#))

“Court to consider emotional distress damages under anti-discrimination laws,” SCOTUSblog (Nov. 29, 2021) ([link](#))

“Tribute to Justice Ruth Bader Ginsburg,” *Administrative & Regulatory Law News*, American Bar Association Administrative Law & Regulatory Practice Section (Fall 2020)

“RBG: she never stopped caring,” SCOTUSblog (Sept. 25, 2020) ([link](#))

PRESENTATIONS

“Traditionalism and Feminism in Constitutional Rights Adjudication,” Judicial Process Roundtable at Duke, Dec. 11, 2024

Moderator, “Judicial Administration,” Georgetown University Law Center conference on “Judging and Legitimacy,” Sept. 20, 2024

“What is Living Constitutionalism?” University of Virginia American Constitution Society, Sept. 11, 2023

“Reconnecting Federal Regulation and the Common Law,” University of Pennsylvania Carey Law School Regulation Conference, June 17, 2024

“Judicial Institutionalism”

- Columbia Law School Law & Philosophy Workshop, Oct. 9, 2024
- Civil Procedure Workshop, UC Law San Francisco, May 31, 2024
- Hebrew University Faculty of Law Faculty Workshop, May 8, 2024
- Radzyner Law School Faculty Workshop, May 7, 2024
- Junior Federal Courts Workshop, George Washington University, Mar. 8, 2024
- National Conference of Constitutional Law Scholars, James E. Rogers College of Law, University of Arizona, Feb. 23, 2024
- Constitutional Law Colloquium, Loyola University Chicago School of Law, Nov. 10, 2023
- University of Minnesota Law School Faculty Workshop, Oct. 30, 2023
- University of Michigan Law School Faculty Workshop, Oct. 12, 2023
- American Association of Law Schools Jurisprudence Workshop, Aug. 4, 2023
- University of Virginia School of Law Faculty Workshop, Aug. 1, 2023
- American Constitution Society Junior Scholars Meeting, May 6, 2022

Moderator, “History at Work,” University of Virginia Federalist Society Symposium, Apr. 5, 2024

“Defining Dignity,” Seminar on Cutting-Edge Issues in Constitutional Law, Florida State University College of Law, Mar. 28, 2024

“Capital Punishment,” University of Virginia Jewish Law Students Association, Mar. 13, 2024

Invited Participant, Future Directions in Public Law Conference, University of Chicago Law School, Oct. 20, 2023

“Public-Law Litigation at a Crossroads: Article III Standing and ‘Tester’ Plaintiffs”

- Standing Doctrine Conference, University of Chicago Law School, Sept. 22, 2023
- Federalism Conference, University of Maryland Carey School of Law, University of Milan & Radzyner Law School, June 8, 2023
- Civil Procedure Workshop, Northwestern Pritzker School of Law, May 29, 2023

“Lightning Round” participant, National Conference of Constitutional Law Scholars, James E. Rogers College of Law, University of Arizona, Mar. 24, 2023

“An Eye for an Eye?” University of Virginia Jewish Law Students Association, Mar. 22, 2023

“Justice Ginsburg: Voice through Dissent,” National Judicial College, Mar. 15, 2023

“The Dignitary Torts,” presented as Scholar-in-Residence in Dignity Law at Widener University Delaware Law School, Feb. 8, 2023

“*Dobbs*, Reliance, and the Tangible/Intangible Distinction,” Constitutional Law Colloquium, Loyola University Chicago School of Law, Nov. 5, 2022

Invited participant, University of Chicago Constitutional Law Institute Habeas Roundtable, Oct. 24, 2022

Panelist, Supreme Court Roundup, University of Virginia School of Law American Constitution Society, Sept. 29, 2022

“Administrative Stays and Federal Equity Power”

- Civil Procedure Workshop, Cardozo School of Law, May 20, 2022
- Seattle University School of Law Faculty Workshop, Mar. 10, 2022
- Notre Dame Law Review Symposium, Notre Dame Law School, Feb. 14, 2022

“Private Law and Normative Uncertainty,” Judging Hard Cases Conference, University of Virginia School of Law, May 13, 2022 (commenting on Rebecca Stone, “A Qualified Defense of Private Law’s Misfeasance-Nonfeasance Distinction”)

“Order without Formalism,” The George Washington Law Review Symposium, George Washington University Law School, Feb. 25, 2022

“Contrition and Compulsion: Court-Ordered Apologies and the First Amendment”

- National Conference of Constitutional Law Scholars, James E. Rogers College of Law, University of Arizona, Feb. 19, 2022
- Constitutional Law Colloquium, George Washington University Law School & Loyola University Chicago, Nov. 13, 2021

“Standing, Harm, and Risk: The Supreme Court’s Recent Decision in *TransUnion v. Ramirez*,” Three Crowns international arbitration firm, Aug. 5, 2021

“What \$1 Can Buy: Nominal Damages and Article III,” American Constitution Society Constitutional Law Scholars Forum, Mar. 26, 2021

Panelist, “RBG: Looking Back With Her Clerks,” Society of American Law Teachers, Jan. 9, 2021

Moderator, “Constitutional Theory and Race,” Constitutional Law Colloquium, Loyola University Chicago School of Law, Nov. 6, 2020

“Remedies and Respect: Rethinking the Role of Federal Judicial Relief,” Civil Procedure Workshop Fall Scholarship Event, Oct. 23, 2020

“Complete Relief and the Nature of an Article III Judicial Remedy,” Constitutional Law Colloquium, Loyola University Chicago School of Law, Nov. 9, 2019

“*Spokeo* and Emerging Issues in Article III Jurisdiction,” U.S. Court of Appeals for the Fifth Circuit Judicial Conference, May 24, 2018

“Constitutional Injury and Tangibility”

- University of New Hampshire School of Law Faculty Workshop, Apr. 5, 2018
- Constitutional Law Forum, Barry University School of Law, Mar. 2, 2018
- Constitutional Law Colloquium, Loyola University Chicago School of Law, Nov. 4, 2017

Panelist, Supreme Court Preview—October Term 2017, organized by the Harvard Law Review, Harvard Law Federalist Society, and Harvard Law American Constitution Society, Sept. 26, 2017

Respondent, “Freedom of Conscience and the Authority of the State,” Oxford Graduate Political Theory Conference, Apr. 19–20, 2012

“Humiliation Beyond Misrecognition,” Nuffield Political Theory Workshop, Nuffield College, Oxford, Nov. 28, 2011

“The Concepts of Dignity and Honor in Kant,” Political Studies Association Graduate Conference, University of Oxford, Dec. 6–7, 2010

“The State as a ‘Temple of Human Freedom’: Hegel on Religion and Politics”

- Hegel Society for America, St. Norbert College, Wisconsin, Oct. 8–10, 2010
- Graduate Conference in Political Thought and Intellectual History, Cambridge, UK, Mar. 15–16, 2010

“The Concept of Human Dignity: Theory and Application,” Graduate Colloquium, New College, Oxford, May 5, 2010

PODCAST APPEARANCES

Short Circuit, Institute for Justice, Mar. 29, 2024 ([link](#))

Strict Scrutiny, June 11, 2021 ([link](#))

PROFESSIONAL SERVICE, AFFILIATIONS, AND AWARDS

Bar Admissions: New York (2016), District of Columbia (2020)

Executive Committee Member, American Association of Law Schools Remedies Section (2024–)

Judge for American Association of Law Schools Federal Courts Section Annual Writing Competition (2023–2024)

University of Virginia Research Achievement Honoree (for outstanding research and scholarship)
(2022)

Best Untenured Article on Federal Jurisdiction, American Association of Law Schools (2021)

Co-Organizer, “Judging and Legitimacy” Conference at Georgetown University Law Center (2024)

Member, Program Committee for Robert A. Katzmann Symposium at NYU Law School

Mentor for Yale Law Women and Law Clerks for Diversity

Faculty Reviewer at journals including *Harvard Law Review*, *Yale Law Journal*, *Columbia Law Review*