

SUSAN NAVARRO SMELCER

85 Park Place NE, Office 209, Atlanta, Georgia 30303 / 404-771-6896 / ssmelcer@gsu.edu

ACADEMIC APPOINTMENTS

GEORGIA STATE UNIVERSITY COLLEGE OF LAW, Atlanta, GA

Assistant Professor of Law, July 2019–Present

Courses Taught: Legal Analytics 1 (Statistical and Machine Learning Methods)
Legal Analytics 2 (Text Analytics)
Antitrust Law

Service: College of Law Faculty Development Committee, 2019–21
Affiliated Faculty, Legal Analytics and Innovation Initiative, 2019–21

EDUCATION

NEW YORK UNIVERSITY SCHOOL OF LAW, New York, NY

J.D., May 2016

Honors: Furman Academic Scholar, 2013–2016
New York University Law Review, Senior Online Editor (2015–2016)

Awards: Vanderbilt Medal for Outstanding Contributions to the Law School
Betty Bock Prize in Competition Policy
Law and Economics Prize

EMORY UNIVERSITY, Atlanta, GA

Ph.D. in Political Science, Aug. 2015

M.A. in Political Science, Dec. 2008

Dissertation Title: *The Evolution of Dissent in the United States Supreme Court*
(Micheal W. Giles, Chair)

Concentrations: Judicial Politics and Constitutional Law
Methods (Quantitative Methodology and Game Theory)
American Public Policy Processes

Honors: *Graduate School of Arts and Sciences Fellowship*, 2004–2009

UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL, Chapel Hill, NC

B.A. in Political Science, with distinction and highest honors, Dec. 2003

Honors Thesis: *Without Fear or Favor: The Impact of Political Contributions on Judicial Decisions* (Kevin T. McGuire, Chair)

Selected Honors: *North Carolina Fellows Program*, Fellow, 2000–2003
Order of the Grail-Valkyries, Inducted 2002

TEACHING INTERESTS

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| Contracts | Corporations |
| Civil Procedure | Antitrust |
| Legal Analytics/Data Science | Law and Social Science |
| Quantitative Methodology | |

PUBLICATIONS

LAW REVIEWS AND PEER-REVIEWED PUBLICATIONS

Missing Missingness in Merger Analysis, 109 KY. L.J. 435 (2021).

Divide and Concur: Separate Opinions and Legal Change, 103 CORNELL L. REV. 817 (2018) (with Barry Friedman, Thomas B. Bennett & Andrew D. Martin). Recipient of the 2017–18 Eisenberg Prize for most outstanding article in the field of appellate practice and procedure by the American Academy of Appellate Lawyers.

Note, *Anticompetitive Use of Administrative Trials in Bargaining Over Patent Rights*, 91 N.Y.U. L. REV. 1719 (2016).

Communicating in 140 Characters or Less: Congressional Adoption of Twitter in the 111th Congress, 46 PS: POL. SCI. & POLITICS 60 (2013) (with Jacob R. Straus, Matthew Eric Glassman & Colleen J. Shogan).

Bias and the Bar: Evaluating the ABA Ratings of Federal Judicial Nominees, 65 POL. RES. Q. 827 (2012) (with Amy L. Steigerwalt & Richard L. Vining).

Judicial Tenure on the U.S. Supreme Court, 1789–1868: Frustration, Resignation, and Expiration on the Bench, 20 STUD. AM. POL. DEV. 198 (2006) (with Richard L. Vining & Christopher J. Zorn).

NON-PEER REVIEWED PUBLICATIONS

Pandemic Disclosures: COVID-19 as a “Current Market Condition” for Mutual Funds, COLUMBIA BLUE SKY BLOG (Jan. 5, 2021), <https://clsbluesky.law.columbia.edu/2021/01/05/pandemic-disclosures-covid-19-as-a-current-market-condition-for-mutual-funds/> (with Anne M. Tucker & Yusen Xia).

Compliance Programs and Leniency Applications in Asian Jurisdictions, ABA SECTION OF ANTITRUST LAW CARTEL & CRIMINAL PRACTICE COMMITTEE NEWSLETTER (Fall 2017) (with Nicholas E.O. Gaglio, Jarod Taylor, Kail Jethmalani & Brandon Boxbaum).

Where One Sits Affects Where Others Stand: Bias, the Bar, and Nominees to Federal District Courts, 98 JUDICATURE 35 (2015) (with Amy L. Steigerwalt & Richard L. Vining).

ORIGINAL CONGRESSIONAL RESEARCH SERVICE REPORTS

Cong. Research Serv. Report R41942, *Vacancies on Article III District and Circuit Courts, 1977-2011: Data, Causes, and Implications* (with Denis Steven Rutkus) (July 28, 2011).

Cong. Research Serv. Report R41299, *From Solicitor General to Supreme Court Justice: Responsibilities, History, and the Nomination of Elena Kagan* (with Kenneth R. Thomas) (June 23, 2010).

Cong. Research Serv. Report R41172, *The Role of the Senate in Judicial Impeachment Proceedings: Procedure, Practice, and Data* (April 9, 2010).

Cong. Research Serv. Report R41110, *The Role of the House of Representatives in Judicial Impeachment Proceedings: Procedure, Practice, and Data* (with Betsy Palmer) (Mar. 15, 2010).

Cong. Research Serv. Report R40802, *Supreme Court Justices: Demographic Characteristics, Professional Experience, and Legal Education, 1789-2010* (April 9, 2010).

WORKS-IN-PROGRESS

“Predicting Regulatory Futures” (utilizing text analytics to assess how parties mitigate perceived risk in merger agreements). Presented at the 2021 Univ. of Cincinnati College of Law Corporate Law Symposium (Mar. 2021). Accepted for presentation at the 2021 Annual Meeting of the Law and Society Association (May 2021) and the 2021 Conference on the Online Workshop on Computational Methods in Law (OWCAL).

“It Ain’t Just What Funds Disclose (It’s The Way That They Do It)” with Anne M. Tucker and Yusen Xia (proposing a bespoke sentiment dictionary for mutual fund disclosures and analyzing the text of 130,000 disclosures from 2010 to 2019). Presented at OWCAL (Feb. 2021) and the 2021 Univ. of Cincinnati College of Law Corporate Law Symposium (Mar. 2021). Available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3674572.

“COVID, Current Market Events, and Compliance” with Anne M. Tucker and Yusen Xia (analyzing recent mutual fund disclosures to examine how mutual funds define current market conditions by comparing funds descriptions of natural disaster risks as compared to COVID-19 risks).

“The Effect of Informal En Bancs on Process and Precedent” with Bethany Blackstone and Micheal W. Giles (examining U.S. Courts of Appeals’ use of informal en banc mechanisms and the influence of these practices on future interpretation of appellate decisions). Accepted for presentation at the 2021 Annual Meeting of the American Political Science Association (Sept. 2021).

“Walking Before Running: Teaching Data Fluency as a Prerequisite to Computational Methods” (analyzing the pedagogy of teaching data fluency and computational methods to law students). Accepted for presentation at the 2020 Annual Meeting of the Law and Society Association (panel canceled due to COVID-19).

SELECTED PRESENTATIONS

“Missing Missingness in Merger Analysis.” Presented at the Drexel University Thomas R. Kline School of Law Faculty Workshop (Dec. 3, 2020).

Chair/Discussant for “Technological Innovation in Legal Practice and Education” Panel, Law & Society Association Annual Conference (Denver, CO. May 2020).

Discussant, Online Workshop on Computational Methods in Law (OWCAL) (Oct. 2019).

Comment on “*Questions Involving National Peace and Harmony or Injured Plaintiff Litigation? The Original Meaning of ‘Cases’ in Article II of the Constitution.*” Presented at the Georgia State University’s Workshop on Law & Linguistics (Oct. 18, 2019).

“Missing Data in Merger Analysis,” Presented to the Furman Scholars Seminar at the New York University School of Law (New York, NY. Mar. 2016).

“Anticompetitive Use of Administrative Trials in Bargaining Over Patent Rights,” Presented to the Furman Scholars Seminar at the New York University School of Law (New York, NY. Mar. 2015).

“Divide and Concur: Separate Opinions and Legal Change,” Presented to the Workshop on Law & Economics at the Northwestern University School of Law (Chicago, IL. Jan. 2015) (with Thomas Bennett & Barry Friedman).

“The Role of Dissent in Legal Development,” Presented at the Sixty-Seventh Annual Meeting of the Midwest Political Science Association (Chicago, IL. Apr. 2–5, 2008).

“Strategic Dissent in the U.S. Courts of Appeals,” Presented at the Sixty-Fifth Annual Meeting of the Midwest Political Science Association (Chicago, IL. Apr. 12–15, 2006).

“Executive Action and Judicial Independence under International Legal Constraint,” Presented at the Sixty-Fifth Annual Meeting of the Midwest Political Science Association (Chicago, IL. Apr. 12–15, 2006) (with Emily Ritter).

“Regime Change and Decision-Making in the U.S. Courts of Appeals,” Presented at the Sixty-Fourth Annual Meeting of the Midwest Political Science Association (Chicago, IL. Apr. 20–23, 2006) (with Bethany Blackstone).

“Supreme Court Justice Tenure and Response to Institutional Reform, 1801–1937,” Presented at the Seventy-Seventh Annual Meeting of the Southern Political Science Association (Atlanta, GA. Jan. 5–7, 2006) (with Richard L. Vining & Christopher J. Zorn).

“Judicial Tenure on the U.S. Supreme Court, 1789–1868: Frustration, Resignation, and Expiration on the Bench,” (with Richard L. Vining and Christopher J. Zorn). Presented at the Forty-First Annual Meeting of the Law and Society Association (Las Vegas, NV. June 2–5, 2006) and the Thirtieth Meeting of the Social Science History Association (Portland, OR. Nov. 3–6, 2005).

OTHER PROFESSIONAL EXPERIENCE

AXINN, VELTROP & HARKRIDER, Washington, DC

Associate, Aug. 2016–Apr. 2019

Represented large corporate clients in complex antitrust litigation across a variety of industries. Responsible for researching and drafting briefs supporting motions to dismiss, responding to Plaintiffs' interrogatories and other discovery requests, and communicating with clients and members of joint defense groups.

Analyzed deal margin, pricing, and shipping data to assess antitrust risk of potential deals and to assist with advocacy. Prepared client for and attended FTC investigational hearings.

Law Clerk, Sept. 2015–Jan. 2016

Summer Associate, May 2015–July 2015

Prepared memoranda on antitrust issues relating to mergers in the agricultural, pharmaceutical, and technology industries. Conducted in-depth research on economic issues relating to the Ball/Rexam merger. Asked to return during the school year to assist with the Dell/EMC merger.

NEW YORK UNIVERSITY SCHOOL OF LAW, New York, NY

Research Assistant for Professor Barry Friedman, Oct. 2014–May 2016

Cleaned and analyzed a dataset of 722,280 observations for a project on lower court citation and use of Supreme Court concurrences. Invited to join the project as a co-author.

Research Assistant for Professor Adam B. Cox, May 2014–May 2016

Analyzed data using NYU's High-Performance Computing Cluster. Created charts and maps for Professor Cox's most recent paper on the Department of Homeland Security's *Secure Communities* program.

CONSUMER FINANCIAL PROTECTION BUREAU (LEGAL DIVISION), Washington, DC

Law Clerk, July 2015–Aug. 2015

Researched employment and ethics issues affecting Bureau staff, as well as legal questions related to the Bureau's regulatory authority. Assisted oversight attorneys in reviewing relevant congressional testimony.

CONGRESSIONAL RESEARCH SERVICE, LIBRARY OF CONGRESS, Washington, DC

Analyst on the Federal Judiciary, Jan. 2009–Sept. 2011

Responded to confidential inquiries from congressional clients on issues relating to the operation of the federal courts. Authored and co-authored numerous reports and memoranda examining diverse questions about the judicial appointment process, court administration, and judicial impeachment. Asked to join the Senate Impeachment Trial Committee to assist with and advise on the impeachment trial of Judge G. Thomas Porteous. Coauthored the committee's report (S. Rep. 111-347). Served as a union steward for the Government and Finance Division, CREA Local 75 (IFPTE).

EMORY UNIVERSITY, DEPARTMENT OF POLITICAL SCIENCE, Atlanta, GA

Research Assistant for Professor Micheal W. Giles, 2004–2008

Researched various issues relating to Congress and the federal judiciary. Collected and analyzed data on appellate court decision making.

CONSULTING AND VOLUNTEER EXPERIENCE

Pro Bono Consultant, Fulton County Accountability Court (Atlanta, GA. 2019–Present).

Pro Bono Attorney, Children's Law Center (Washington, DC. 2017–2019).

TRAINING AND PROFICIENCIES

Proficient in Stata, R, Python, and LaTeX. Experience with Mathematica, Perl, FileMaker Pro, and Access.

Received additional training in game theory, quantitative methodology, and data science at the *Empirical Implications of Theoretical Models Summer Institute* (2006) and the *Inter-University Consortium for Political and Social Research Summer Program in Quantitative Methods* (2005, 2008, 2019, 2020).