

RACHEL J KINCAID

BAYLOR LAW

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EMPLOYMENT

Baylor Law School

Assistant Professor of Law, 2021-present

Teach and write in the areas of criminal law and procedure including civil rights in the criminal legal system.

Mountain State Justice

Staff Attorney, 2020-2021

Advocated for criminal law reform in collaboration with the West Virginia Criminal Law Reform Coalition. Represented formerly and currently incarcerated people in civil rights cases, including a certified class action challenging the provision of medical and mental health care in West Virginia's ten regional jails. Represented low-income West Virginians in consumer protection cases.

United States Attorney's Office, Southern District of West Virginia

Assistant United States Attorney, 2019-2020

Investigated and prosecuted violent crimes by government officials and hate crimes in the Southern District of West Virginia. Worked with federal and local law enforcement agencies. Served on the prosecution team for U.S. v. Jonathan Yates for his serial sexual abuse of patients at the VA Medical Center in Beckley, West Virginia.

United States Department of Justice, Civil Rights Division, Criminal Section

Trial Attorney, 2016-2019

Investigated and prosecuted violent crimes by government officials and hate crimes across the U.S. Worked with federal and local law enforcement agencies and U.S. Attorney's Offices. Served on the federal prosecution team for U.S. v. James Alex Fields, Jr., for his actions at the Unite the Right Rally in Charlottesville, Virginia.

United States Attorney's Office, Washington D.C.

Special Assistant United States Attorney, 2017

The Honorable Raymond Kethledge, United States Court of Appeals, Sixth Circuit

Law Clerk, 2015-2016

EDUCATION

University of Virginia School of Law, J.D. 2015

Order of the Coif

Virginia Law Review, Articles Editor

Monroe Leigh Fellowship in International Law

Salzburg Cutler Fellow in International Law

Research Assistant, Professor Saikrishna Prakash

Legal Intern: EarthRights International, Department of Justice Civil Rights Division, Environmental Law Institute

Cardiff University, M.A. in Ethnomusicology, 2011

Marshall Scholar

MA Thesis: Musical Representations of Native Americans in *Dances with Wolves*

Royal Northern College of Music, M.M. in Trumpet Performance, 2009
Marshall Scholar
Degree Recital: Music with Extramusical Inspiration; Minor: Composition

Eastman School of Music, B.M. in Trumpet Performance, 2008
Lois Smith Rogers Scholar
Composition commissioned by Cleveland Youth Wind Symphony for 20th anniversary celebration
Conservatory Exchange at the Hochschule für Musik, Freiburg, Germany (2006-2007)

PUBLICATIONS

Articles

Foreign Forum Selection Frustrations: Determining Clause Validity in Federal Diversity Suits, STANFORD JOURNAL OF COMPLEX LITIGATION (Spring 2016 print issue)

Other Publications

Federal Failures to Protect Incarcerated People During Public Health Crises, PETRIE-FLOM CENTER'S BILL OF HEALTH (Sept. 30, 2022) (invited post for Symposium on "Health Law and Policy in an Era of Mass Suffering").

Works in Progress

Mass Incarceration and Misinformation: The COVID-19 Infodemic Behind Bars, UNIVERSITY OF ST. THOMAS LAW JOURNAL (forthcoming Spring 2023) (invited article)

Exhausting Exhaustion: The Fundamental Injustice of the PLRA Exhaustion Requirement

Legal Pedagogy, Public Service, and Law Professor Hiring: One Size Shouldn't Fit All

Federalism or Federalarmism: Federalism Challenges to Hate Crimes Prosecutions and Civil Prison Litigation

Published Musical Compositions

Reverberations in the Stillness, solo trumpet (Editions BIM 2007)

Loss, trumpet and piano (Editions BIM 2005)

Feverish Sleep, three trumpets (Editions BIM 2008)

TEACHING AND RELATED EXPERIENCE

Baylor Law:

- Criminal Law (winter 2021, summer 2022)
- Criminal Procedure (Investigation) (spring 2022, fall 2022)
- Advanced Criminal Procedure (Adjudication) (fall 2022)

West Virginia State Police Academy:

- Civil Rights (2019-2020)

University of Virginia School of Law:

- 1L Legal Research and Writing oral arguments judge (2019-2021);
- Guest speaker for Public Interest Law and Advocacy course (Fall 2020, Spring 2021)

PRESENTATIONS AND OTHER APPEARANCES

Reasonableness and Deliberate Indifference in the Time of Misinformation: Carceral Responses to COVID-19, CrimFest, Cardozo School of Law (July 18-19, 2022).

Reasonableness and Deliberate Indifference in the Time of Misinformation: Carceral Responses to COVID-19, Prisoner Rights and Prison Condition Symposium, University of St. Thomas School of Law (April 22, 2022), <https://youtu.be/E4bmuN2fgV4?t=5260>

Episode 16: Rachel Kincaid, Baylor Criminal Law Society Podcast (March 2022), <https://podcasts.apple.com/us/podcast/episode-16-rachel-kincaid/id1590238106?i=1000553431121>

Exhausting Exhaustion: The Fundamental Injustice of the PLRA Exhaustion Requirement, Rocky Mountain Early Scholars Program, Brigham Young University J. Reuben Clark Law School (Nov. 11-12, 2021).

Panelist for discussion of COVID-19's impacts on incarceration, Beyond Bars Summit: A dialogue about mass incarceration in West Virginia (November 2020), <https://vimeo.com/482092171>

BAR ADMISSIONS:

Commonwealth of Virginia

State of West Virginia

Fourth Circuit Court of Appeals

SERVICE:

Committee Member, Baylor Law Curriculum Committee, Faculty Appointments Committee, Faculty Scholarship and Collaboration Committee, and ABA Standard 303 Committee (2022-present)

Faculty Advisor, Baylor Law American Constitution Society (June 2022-present)

Faculty Advisor for Baylor Law students' directed research, externships, and Law Review notes (2021-present)