

# Karen Petroski

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## LEGAL AND ACADEMIC EMPLOYMENT

**Saint Louis University School of Law**, St. Louis, Missouri (2008-present)

Professor of law, July 2015-

Associate professor of law (with tenure), July 2013-June 2015

Assistant professor of law, August 2008-June 2013

Courses taught: Administrative Law, Civil Procedure I & II, Evidence, Expert Evidence Seminar,  
Legislation, Patent Law

**Morrison & Foerster LLP**, San Francisco, California (2006-08)

Litigation associate; member of Securities Litigation, Enforcement, and White-Collar practice group

**Cooper, White & Cooper LLP**, San Francisco, California (2005-06)

Litigation associate

**The Honorable William W Schwarzer**, Senior U.S. District Judge, U.S. District Court for the Northern  
District of California, San Francisco, California (2004-05)

Judicial law clerk

## EDUCATION

**University of California, Berkeley**, J.D., 2004

Order of the Coif; Supervising Editor, California Law Review; Associate Editor, Berkeley Journal of  
International Law

**Columbia University**, Ph.D. in English and Comparative Literature, 1999

Dissertation: *Making Sense of Nationality: The Politics of Irrationality in British & American Prose, 1776-1850*  
M.Phil., 1994; M.A., 1991

**Duke University**, A.B. in Philosophy and Comparative Literature, 1990

## PUBLICATIONS

*Aspect Perception in Philosophy, Fiction, and Law*, \_\_ Law & Literature \_\_ (2023) (special issue on Fictions in  
Law, Literature, and Philosophy, Laura Zander ed.).

FICTIONALITY (handbook in The New Critical Idiom series; Routledge, 2023).

*The Challenges of Anti-Intellectual Parody*, chapter in Carl Schmitt and the Buribunks: Technology, Law,  
Literature (Kieran Tranter & Edwin Bikundo eds., Routledge, 2022).

*Hypothetically Speaking: How to Argue About Meaning*, chapter in New Rhetorics for Contemporary Legal  
Discourse (Angela Condello ed., Edinburgh University Press, 2020).

*Cognitive Fictionalizing and Legal Legitimacy*, chapter in Fictional Discourse and the Law (Hans Lind ed.,  
Routledge, 2020).

*The Elusive Public, Then and Now*, 6:2 Critical Analysis of Law 1 (2019) (contribution to symposium on  
Trevor Ross, Writing in Public: Literature and the Liberty of the Press in Eighteenth-Century Britain  
(Johns Hopkins University Press, 2018)).

## PUBLICATIONS (CONTINUED)

FICTION AND THE LANGUAGES OF LAW: UNDERSTANDING CONTEMPORARY LEGAL DISCOURSE (book; Routledge, 2018).

- Received Honorable Mention, 2019 Saint Louis University Scholarly Works Awards, university-wide award recognizing scholarly excellence.

*The Strange Fate of Holmes's Normal Speaker of English*, chapter in *The Nature of Legal Interpretation: What Jurists Can Learn from Linguistics and Philosophy* (Brian Slocum ed., University of Chicago Press, 2017).

*What a State Wants: The Language of Another Legal Fiction*, 3 *Savannah Law Review* 71 (2017) (symposium essay).

*Fictions of Omniscience*, 103 *Kentucky Law Journal* 477 (2014-15).

- Cited in *Wind Colebrook South LLC v. Town of Colebrook*, 278 A.3d 442 (Conn. 2022) (concurring opinion of Ecker, J.).

*The Textualist Technician*, 18 *Green Bag* 2d 107 (2014).

*Legal Fictions and the Limits of Legal Language*, 9:4 *International Journal of Law in Context* 485 (2013).

- Republished as chapter in *Legal Fictions in Theory and Practice* (Maksymilian Del Mar & William Twining eds., Springer, 2015).

*Visual Legal Commentary*, chapter in *Law, Culture, and Visual Studies* 671-96 (treatise; Anne Wagner & Richard K. Sherwin eds., Springer, 2013).

*Texts Versus Testimony: Legal Uses of Non-Legal Expertise*, 35 *University of Hawai'i Law Review* 81 (2013).

*Interpretation and Accessibility*, 57 *St. Louis University Law Journal* 1003 (2013) (symposium essay).

*Statutory Genres: Substance, Procedure, Jurisdiction*, 44 *Loyola University Chicago Law Journal* 189 (2012).

- Cited in *In re Petition for Enforcement of Subpoenas*, 214 A.3d 660 (Pa. 2019) (dissenting opinion of Saylor, C.J.).

*Iqbal and Interpretation*, 39 *Florida State University Law Review* 417 (2012).

- Received 2012 Thompson Coburn Faculty Award for exceptional legal scholarship published by a member of the Saint Louis University School of Law faculty.

*Does It Matter What We Say About Legal Interpretation?*, 43 *McGeorge Law Review* 359 (2012).

*Is Post-Positivism Possible?*, 12 *German Law Journal* 663 (2011).

- Translated into Portuguese as *O pos-positivismo é possível?* and republished as chapter in *Tratado de Direito Constitucional*, Vol. 1 (Daniel Giotti de Paula & Felipe Dutra Asensi eds., Elsevier, 2014).

*The Public Face of Presumptions*, 5 *Episteme: A Journal of Social Epistemology* 388 (2008).

*The Rhetoric of Symmetry*, 41 *Valparaiso University Law Review* 1165 (2007).

*The Section 11 Due Diligence Defense for Director Defendants*, *American Bar Association Securities Litigation Journal* 13 (Summer 2007) (with Tony Rodriguez).

*Lessons for Academic Freedom Doctrine: The California Approach to University Autonomy and Accountability*, 32 *Journal of College & University Law* 147 (2005).

*Retheorizing the Presumption Against Implied Repeals*, 92 *California Law Review* 487 (2004).

*"The Ghost of an Idea": Dickens's Uses of Phantasmagoria, 1842-44*, 16 *Dickens Quarterly* 71 (1999).

## PRESENTATIONS

- “Pseudolaw and Legal Fandoms,” presented at the Critical Legal Conference 2023, Durham University, Durham, UK, September 2023.
- “*Twelfth Night* and Evidentiary Risks,” presented at Legal Analysis of William Shakespeare’s *Twelfth Night*, Continuing Legal Education program sponsored by the Bar Association of Metropolitan St. Louis in connection with Shakespeare in the Park performance of *Twelfth Night*, St. Louis, Missouri, June 2023.
- “The Future in the Past: Utopia, Early Modern Science Fiction, and Originalism,” presented at Jurisprudence of the Future III: Return of the Juridical, workshop at the 23rd International Roundtable for the Semiotics of Law, Pontificia Università Antonianum, Rome, Italy, May 2023.
- Respondent for panel discussion, What Is the Influence of the *ius commune* on the Western Legal Tradition and International Law?, at 16th International Congress on Medieval Canon Law (Continuing Legal Education day), Saint Louis University School of Law, July 2022.
- “Evidence and Factfinding in *Much Ado About Nothing*,” presented at Truth and Deception in *Much Ado About Nothing*, Continuing Legal Education program sponsored by the Bar Association of Metropolitan St. Louis in connection with Shakespeare in the Park performance of *Much Ado About Nothing*, St. Louis, Missouri, June 2022.
- “Deception, Lie Detection, Disguise, and Recognition in *King Lear*,” presented at The Law of *Lear*, Continuing Legal Education program sponsored by the Bar Association of Metropolitan St. Louis in connection with Shakespeare in the Park performance of *King Lear*, St. Louis, Missouri, June 2021.
- “The Challenges of Theorizing Legal Fiction,” presented at Special Workshop on Legal Fictions Revisited (co-convened with Kristin Albrecht), at XXIX World Congress of the IVR (International Association for the Philosophy of Law and Social Philosophy), Universität Luzern, Lucerne, Switzerland, July 2019.
- “Seeing Double in Fiction and Law: Structures of As-If Thought and Practice,” keynote presentation at Fiction and Law: Salzburg Workshop in Legal and Social Philosophy 2018, Universität Salzburg, Austria, October 2018 (invited presentation).
- “Hermeneutics of Bistability: Fiction, Politics, and Conspiracy,” presented at Beyond Truth: Fiction and (Dis)Information in the Early Modern World, conference at New College, University of Oxford, Oxford, UK, September 2018.
- “A Metalanguage for Misrepresentation,” presented at Language and Law in a World of Media, Globalisation and Social Conflicts: Refounding the International Language and Law Association (ILLA) to Make Law More Transparent, Albert-Ludwigs-Universität, Freiburg, Germany, September 2017.
- “A Metalanguage for Misrepresentation,” presented at Special Workshop on Law & Language at XXVIII World Congress of the IVR (International Association for the Philosophy of Law and Social Philosophy), Faculdade de Direito de Lisboa, Lisbon, Portugal, July 2017.
- “Harnessing Hypotheticals: How to Argue About Meaning,” presented at the 18th International Roundtable for the Semiotics of Law, hosted by Cardozo Law School and the University of Rome Tre Law School, at Cardozo Law School, New York, New York, May 2017.
- “Reading the Reactions to *Obergefell*,” presented at the 20th Annual Conference of the Association for the Study of Law, Culture, and the Humanities, Stanford Law School, Palo Alto, California, March 2017.

PRESENTATIONS (CONTINUED)

- “Self-Fashioning as Spectacle: Reading the Reactions to *Obergefell*,” presented at Spectacular Law: Meeting of the Law, Literature, & Humanities Association of Australasia, University of Hong Kong, December 2016.
- “What a State Wants: The Language of Another Legal Fiction,” presented at American Legal Fictions, colloquium hosted by Savannah Law Review, Savannah Law School, Savannah, Georgia, September 2016.
- “Legal Factualization: A Case Study,” presented at Issues of Fact: The Pathologies of Fact and the Fictitious in Law and the Humanities, conference cosponsored by Erasmus School of Law, Erasmus School of History, Culture and Communication, & Leiden University Centre for the Arts in Society, Rotterdam, Netherlands, September 2015.
- “Fact and Fiction in Ferguson,” presented at Law and Fictional Discourse, conference at Whitney Humanities Center, Yale University, New Haven, Connecticut, May 2015.
- “The Strange Fate of Holmes’s Normal Speaker of English,” presented at Inference, Intention, and “Ordinary Meaning”: What Jurists Can Learn About Legal Interpretation from Linguistics and Philosophy, conference at McGeorge School of Law, Sacramento, California, May 2015 (invited presentation).
- “The Intelligibility of Patent Drawings in Claim Construction,” presented at the 18th Annual Conference of the Association for the Study of Law, Culture, and the Humanities, Georgetown University Law Center, Washington, D.C., March 2015.
- “Fictions of Omniscience,” presented at the 17th Annual Conference of the Association for the Study of Law, Culture, and the Humanities, University of Virginia School of Law, Charlottesville, Virginia, March 2014.
- “Fictions of Omniscience,” presented at Interpellations: Meeting of the Law, Literature & the Humanities Association of Australasia, Australian National University, Canberra, Australia, December 2013.
- “The Disintegration of Adjective Law,” presented at Annual Meeting of the Law & Society Association, Boston, Massachusetts, May 2013.
- “Interpretation and Accessibility,” presented at 2012 Richard J. Childress Memorial Lecture Program on Statutory Interpretation, Saint Louis University School of Law, Saint Louis, Missouri, October 2012 (invited presentation).
- “Kantorowicz and the Twenty-First-Century Battle Over American Legal Education,” presented at Smashing the Machine: The Troubled Legacy of Kantorowicz’s Kampf and the Perpetual Struggle to “Free” Law from Formalism, symposium hosted by the German Law Journal and Washington & Lee University School of Law, Lexington, Virginia, September 2012 (invited presentation).
- “Texts Versus Testimony: Rethinking Legal Uses of Non-Legal Expertise,” presented at Annual Meeting of the Law & Society Association, Honolulu, Hawai‘i, June 2012.
- “Texts Versus Testimony: Rethinking Legal Uses of Non-Legal Expertise,” presented at Washington University School of Law Regional Junior Faculty Works-in-Progress Workshop, Saint Louis, Missouri, May 2012.
- “Summary Judgment as a Matter of Law,” presented at Evidence Section panel on Theorizing Burdens of Proof, 2012 Annual Meeting of the American Association of Law Schools, Washington, D.C., January 2012 (invited presentation).

## PRESENTATIONS (CONTINUED)

- “Legal Fictions and the Limits of Legal Language,” presented at special workshop on Legal Fictions at the XXV World Congress of the IVR (International Association for Philosophy of Law and Social Philosophy), Goethe-Universität, Frankfurt, Germany, August 2011.
- “Making Public Meaning: Legal Uses of Non-Legal Expertise,” presented at working group at the XXV World Congress of the IVR (International Association for Philosophy of Law and Social Philosophy), Goethe-Universität, Frankfurt, Germany, August 2011.
- “Varieties of Post-Positivism,” presented at 2011 Legal Theory Research Group Workshop Series, University of Edinburgh, Scotland, June 2011 (invited presentation).
- “Statutory Genres,” presented at New Scholars Workshop, Southeastern Association of Law Schools 2010 Annual Conference, Palm Beach, Florida, August 2010.
- “Statutory Genres,” presented at Second Biennial Literature and Law Conference, John Jay College of Criminal Justice, New York, New York, April 2010.
- “The ‘Terror Memo’: Topologies of Political Agency,” presented at conference Changing Culture: Cultures of Change, cosponsored by University of Barcelona and Goldsmiths College, University of London, Barcelona, Spain, December 2009.
- “After *Iqbal*: Interpreting Complaints,” presented at Washington University School of Law Regional Junior Faculty Works-in-Progress Workshop, Saint Louis, Missouri, October 2009.
- “Is Post-Positivism Possible?,” presented at special workshop on The Many Fates of Legal Positivism, at the XXIV World Congress of the IVR (International Association for Philosophy of Law and Social Philosophy), Beijing, China, September 2009.
- “Judicial Opinions and Network Control,” presented at conference The State of Things: Towards a Political Economy of Artifice and Artefacts, Centre for Philosophy and Political Economy, School of Management, University of Leicester, Leicester, UK, April 2009.
- “The Public Face of Presumptions,” presented at conference on Law and Evidence, hosted by Episteme: A Journal of Social Epistemology in connection with annual themed issue, Dartmouth College, Hanover, New Hampshire, June 2008.

## INSTITUTIONAL SERVICE

- Chair, Section on Law & Interpretation, American Association of Law Schools (2019)
- Faculty Senate Standing Committee on Academic Affairs, St. Louis University (2016-22)
- Member at Large, Executive Committee of the Faculty Senate, St. Louis University (2016-17)
- Law School Representative, Faculty Senate, St. Louis University (2012-15)
- Learning Outcomes Committee, St. Louis University School of Law (2013-20; chair, 2017-18)
- Personnel Committee, St. Louis University School of Law (2015- ; chair, fall 2018-)
- President, St. Louis University School of Law Faculty Assembly (2013-14)
- Strategic Planning Committee, St. Louis University School of Law (2012-14; chair, 2013-14)
- Scholarship Committee, St. Louis University School of Law (2010-13)
- ABA Self-Study Committee, St. Louis University School of Law (2011-12)
- Manuscript reviewer for, among others, Bloomsbury/Hart, Oxford Univ. Press, Routledge, Rowman & Littlefield, WoltersKluwer

**PROFESSIONAL MEMBERSHIPS**

State Bar of California (admitted 2004)  
State Bar of Missouri (admitted 2017)  
American Bar Association  
Modern Language Association  
Association for the Study of Law, Culture, and the Humanities