

# Christopher J. Walker

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## **ACADEMIC APPOINTMENT**

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### **UNIVERSITY OF MICHIGAN, SCHOOL OF LAW**

Ann Arbor, MI

*Professor of Law*

2022–present

- University** Member, Career Planning & Clerkships Committee (2022–present)
- Service** Faculty Advisor, Federalist Society Student Chapter (2022–present)
- Outside** Regular Blogger, YALE JOURNAL ON REGULATION (2014–present)
- Activities** Section Editor (2015–present); Contributing Editor (2013–present), Administrative Law Section, JOTWELL: JOURNAL OF THINGS WE LIKE (LOTS)

### **THE OHIO STATE UNIVERSITY, MICHAEL E. MORITZ COLLEGE OF LAW**

Columbus, OH

*John W. Bricker Professor of Law*

2020–2022

*Director, Moritz Washington DC Summer Program*

2013–2022

*Professor of Law*

2019–2020

*Associate Professor of Law (with tenure)*

2016–2019

*Assistant Professor of Law*

2012–2016

- University** Editor, Moritz SSRN Legal Studies Research Paper Series (2015–2022)
- Service** Faculty Advisor, OHIO STATE LAW JOURNAL (2017–2022)  
Member, Public Service Law Center Faculty Advisory Board (2014–2022)  
Faculty Advisor, Federalist Society Student Chapter (2014–2022)  
Faculty Committee Service: Promotion and Tenure Committee (chair: 2021–2022); Judicial Clerkship Committee (2012–21, chair: 2019–21); Appointments Committee (2013–15, 2016–17, 2018–19); Long-Range Planning Committee (2017–18); Academic Affairs Committee (2015–16); Administration Committee (2012–13)

## **COURSES**

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Administrative Law; Civil Procedure; Constitutional Litigation; Federal Courts; Legal Analysis and Writing II; Legislation and Regulation; State and Local Government Law; The Ethics of Washington Lawyering; U.S. Supreme Court Decisionmaking

## **SCHOLARSHIP**

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### **Works in Progress**

CONSTRAINING BUREAUCRACY BEYOND JUDICIAL REVIEW: RETHINKING ADMINISTRATIVE LAW IN A SYSTEM WITHOUT COURTS (Cambridge University Press forthcoming 2023)

FEDERAL ADMINISTRATIVE LAW: CASES AND MATERIALS (4th ed., West Academic forthcoming 2023) (with Professor Kristin E. Hickman, University of Minnesota Law School & Professor Richard J. Pierce, George Washington University Law School)

LEADING CASES IN ADMINISTRATIVE LAW (American Bar Ass'n forthcoming 2022) (co-editor with Professor Anna Shavers, University of Nebraska Law School, and Matthew Wiener, Executive Director, Administrative Conference of the United States)

PRECEDENTIAL DECISION MAKING IN AGENCY ADJUDICATION (Report to the Administrative Conference of the United States forthcoming 2022) (with Professor Melissa F. Wasserman, University of Texas at Austin School of Law, and Matthew Wiener, Executive Director, Administrative Conference)

*Congress's Anti-Removal Power*, 76 VANDERBILT LAW REVIEW (forthcoming 2023) (with Professor Aaron Nielson, Brigham Young University Law School)

*Interpreting the Administrative Procedure Act*, 98 NOTRE DAME LAW REVIEW (forthcoming 2023) (invited contribution to History of the Administrative Procedure Act and Judicial Review Symposium)

*The Early Years of Congress's Anti-Removal Power*, AMERICAN JOURNAL OF LEGAL HISTORY (forthcoming 2023) (with Professor Aaron Nielson, Brigham Young University Law School) (peer-reviewed contribution to Histories of Presidential Power Special Issue)

*Regulatory Policymaking and Democratic Accountability*, GEORGETOWN JOURNAL OF LAW & PUBLIC POLICY (forthcoming 2023) (with Professor Shoba Sivaprasad Wadhia, Penn State Law) (invited contribution to the Ensuring Democratic Accountability in the Administrative State Symposium)

*Kisor in the Lower Courts* (with Professor Andrew Hammond, University of Florida Levin College of Law) (case coding stage)

## Articles and Essays

*A Congressional Review Act for the Major Questions Doctrine*, 45 HARVARD JOURNAL OF LAW & PUBLIC POLICY 773–793 (2022) (invited essay)

*Qualified Immunity and 51 Imperfect Solutions*, 16 DUKE JOURNAL OF CONSTITUTIONAL LAW & PUBLIC POLICY 321–346 (2022) (with Professor Aaron Nielson, Brigham Young University Law School) (invited symposium contribution)

*Remand and Dialogue in Administrative Law*, 89 GEORGE WASHINGTON LAW REVIEW 1198–1260 (2021) (with James Saywell, Class of 2014, The Ohio State University Moritz College of Law) (invited contribution to the annual administrative law issue)

*The Case Against Chevron Deference in Immigration Adjudication*, 70 DUKE LAW JOURNAL 1197–1243 (2021) (with Professor Shoba Sivaprasad Wadhia, Penn State Law) (selected contribution to fifty-first annual administrative law symposium)

*reprinted in* 26 BENDER'S IMMIGRATION BULLETIN 501–525 (2021)

*response by* Patrick J. Glen, *The Case for Chevron Deference to Immigration Adjudications*, 71 DUKE LAW JOURNAL ONLINE 18–47 (2021)

*Constraining Bureaucracy Beyond Judicial Review*, 150(3) DÆDALUS: THE JOURNAL OF THE AMERICAN ACADEMY OF ARTS & SCIENCES 155–171 (2021) (invited contribution to special interdisciplinary issue on the future of the administrative state)

*The Lost World of the Administrative Procedure Act: A Literature Review*, 28 GEORGE MASON LAW REVIEW 733–63 (2021) (invited contribution to The Administrative Procedure Act at 75 Symposium)

*Qualified Immunity and Federalism*, 109 GEORGETOWN LAW JOURNAL 229–303 (2020) (with Professor Aaron Nielson, Brigham Young University Law School)

*response by* Joanna C. Schwartz, *Qualified Immunity and Federalism All the Way Down*, 109 GEORGETOWN LAW JOURNAL 305–351 (2020)

*Charting the New Landscape of Administrative Adjudication*, 69 DUKE LAW JOURNAL 1687–1694 (2020) (introduction to fiftieth annual administrative law symposium)

*Delegation and Time*, 105 IOWA LAW REVIEW 1931–1993 (2020) (with Professor Jonathan H. Adler, Case Western Reserve University School of Law)

*responsive two-week series* *Reinvigorating Congressional Reauthorization*, REGULATORY REVIEW (Mar. 2020)

*invited essay* *Nondelegation for the Delegates*, REGULATION, Spring 2020, at 14–19 (with Professor Jonathan H. Adler, Case Western Reserve University School of Law)

*response by* Richard J. Pierce, *Delegation, Time, and Congressional Capacity: A Response to Adler and Walker*, 105 IOWA LAW REVIEW ONLINE 1–14 (2020)

*Operationalizing Internal Administrative Law*, 71 HASTINGS LAW JOURNAL 1225–1247 (2020) (invited contribution to the Administrative Law in the Age of Trump Symposium) (with Rebecca Turnbull, Class of 2021, The Ohio State University Moritz College of Law)

*The New World of Agency Adjudication*, 107 CALIFORNIA LAW REVIEW 141–197 (2019) (with Professor Melissa F. Wasserman, University of Texas at Austin School of Law)

*Constitutional Tensions in Agency Adjudication*, 104 IOWA LAW REVIEW 2679–2704 (2019) (invited contribution to Administering Patent Law Symposium)

- Administrative Law Without Courts*, 65 UCLA LAW REVIEW 1620–1640 (2018) (invited contribution to The Safeguards of Our Constitutional Republic Symposium)
- Administrative Law's Political Dynamics*, 71 VANDERBILT LAW REVIEW 1463–1526 (2018) (with Professors Kent Barnett and Christina Boyd, University of Georgia)  
*response by* Nicholas R. Bednar, *What To Do About Chevron—Nothing*, 72 VANDERBILT LAW REVIEW EN BANC 151–176 (2019)
- The Politics of Selecting Chevron Deference*, 15 JOURNAL OF EMPIRICAL LEGAL STUDIES 597–619 (2018) (peer review) (with Professor Kent Barnett and Christina Boyd, University of Georgia)
- A Qualified Defense of Qualified Immunity*, 93 NOTRE DAME LAW REVIEW 1853–1885 (2018) (with Professor Aaron Nielson, Brigham Young University Law School) (invited contribution to annual federal courts issue)
- Restoring Congress's Role in the Modern Administrative State*, 116 MICHIGAN LAW REVIEW 1101–1121 (2018) (review of JOSH CHAFETZ, CONGRESS'S CONSTITUTION (2017))  
*reprinted in* 277 REVISTA DE DIREITO ADMINISTRATIVO 15–44 (2018)
- Chevron Step Two's Domain*, 93 NOTRE DAME LAW REVIEW 1441–1473 (2018) (with Professor Kent Barnett, University of Georgia School of Law) (invited contribution to Administrative Lawmaking in the 21st Century Symposium)
- Attacking Auer and Chevron Deference: A Literature Review*, 16 GEORGETOWN JOURNAL OF LAW & PUBLIC POLICY 103–122 (2018) (invited contribution to Challenging Administrative Power Symposium)
- Legislating in the Shadows*, 165 UNIVERSITY OF PENNSYLVANIA LAW REVIEW 1377–1433 (2017)  
*recipient of* the 31st Annual AALS Scholarly Papers Competition Award  
*review by* Mila Sohoni, *The Devil Is in the Details*, JOTWELL (Nov. 2, 2016)  
*response by* James J. Brudney, *Contextualizing Shadow Conversations*, 166 UNIVERSITY OF PENNSYLVANIA LAW REVIEW ONLINE 37–52 (2017)
- Chevron in the Circuit Courts*, 116 MICHIGAN LAW REVIEW 1–73 (2017) (with Professor Kent Barnett, University of Georgia School of Law)  
*review by* Richard Pierce, *Circuit Courts Do Strange Things with Chevron*, JOTWELL (Sept. 6, 2016)  
*review by* Edward Rubin, *Chevron's Real Impact*, JOTWELL (Nov. 15, 2017)
- Against Remedial Restraint in Administrative Law*, 117 COLUMBIA LAW REVIEW ONLINE 106–126 (2017) (invited response to Nicholas Bagley, *Remedial Restraint in Administrative Law*, 117 COLUMBIA LAW REVIEW 253 (2017))
- Modernizing the Administrative Procedure Act*, 69 ADMINISTRATIVE LAW REVIEW 629–670 (2017)
- Short-Circuiting the New Major Questions Doctrine*, 70 VANDERBILT LAW REVIEW EN BANC 147–163 (2017) (with Professor Kent Barnett, University of Georgia School of Law) (invited response to Michael Coenen & Seth Davis, *Minor Courts, Major Questions*, 70 VANDERBILT LAW REVIEW 777 (2017))
- Lawmaking Within Federal Agencies and Without Judicial Review*, 32 JOURNAL OF LAND USE & ENVIRONMENTAL LAW 551–565 (2017) (invited contribution to Environmental Law Without Courts Symposium)
- Toward a Context-Specific Chevron Deference*, 81 MISSOURI LAW REVIEW 1095–1114 (2016) (invited contribution to A Future Without the Administrative State? Symposium)
- Strategic Immunity*, 66 EMORY LAW JOURNAL 55–122 (2016) (with Professor Aaron Nielson, Brigham Young University Law School)
- Chevron Deference and Patent Exceptionalism*, 65 DUKE LAW JOURNAL ONLINE 149–163 (2016) (invited contribution to Intellectual Property Exceptionalism in Administrative Law Symposium)
- Referral, Remand, and Dialogue in Administrative Law*, 101 IOWA LAW REVIEW ONLINE 84–96 (2016) (invited response to Alberto R. Gonzales & Patrick Glen, *Advancing Executive Branch Immigration Policy Through the Attorney General's Review Authority*, 101 IOWA LAW REVIEW 841 (2016))
- Inside Agency Statutory Interpretation*, 67 STANFORD LAW REVIEW 999–1079 (2015)  
*review by* Kathryn Watts, *Shining Some Light Into the Black Box of Agency Statutory Interpretation*, JOTWELL (Nov. 20, 2015)

- Inside Regulatory Interpretation: A Research Note*, 114 MICHIGAN LAW REVIEW FIRST IMPRESSIONS 61–72 (2015) (response to Kevin M. Stack, *Interpreting Regulations*, 111 MICHIGAN LAW REVIEW 335 (2012))
- Is the Chief Justice a Tax Lawyer?*, 2015 PEPPERDINE LAW REVIEW 33–47 (invited contribution to *King v. Burwell* tax symposium) (with Professor Stephanie Hoffer, The Ohio State University Moritz College of Law)
- The New Qualified Immunity*, 89 SOUTHERN CALIFORNIA LAW REVIEW 1–65 (2015) (with Professor Aaron Nielson, Brigham Young University Law School)  
*review by Nancy Leong, A Fresh Look at Qualified Immunity*, JOTWELL (Dec. 3, 2015)
- A Program in Legislation*, 65 JOURNAL OF LEGAL EDUCATION 70–95 (2015) (with Professors Dakota Rudesill and Daniel P. Tokaji, The Ohio State University Moritz College of Law)
- The Death of Tax Court Exceptionalism*, 99 MINNESOTA LAW REVIEW 221–296 (2014) (with Professor Stephanie Hoffer, The Ohio State University Moritz College of Law)  
*response by Leandra Lederman, Restructuring the U.S. Tax Court*, 99 MINNESOTA LAW REVIEW HEADNOTES 1–28 (2014)
- The Ordinary Remand Rule and the Judicial Toolbox for Agency Dialogue*, 82 GEORGE WASHINGTON LAW REVIEW 1553–1621 (2014) (one of three articles selected for annual administrative law issue)  
*response by Emily Hammond, Court-Agency Dialogue: Article III's Dual Nature and the Boundaries of Reviewability*, 82 GEORGE WASHINGTON LAW REVIEW ARGUENDO 171–79 (2014)
- Chevron Inside the Regulatory State: An Empirical Assessment*, 83 FORDHAM LAW REVIEW 703–729 (2014) (invited contribution to *Chevron at 30* Symposium)
- Foreword—Chevron at 30: Looking Back and Looking Forward*, 83 FORDHAM LAW REVIEW 475–495 (2014) (with Professor Peter M. Shane, The Ohio State University Moritz College of Law)
- Does the Legal Standard Matter? Empirical Answers to Justice Kennedy's Questions in Nken v. Holder*, 75 OHIO STATE LAW JOURNAL FURTHERMORE 29–40 (2014) (invited response to Fatma Marouf, Michael Kagan & Rebecca Gill, *Justice on the Fly: The Danger of Errant Deportations*, 75 OHIO STATE LAW JOURNAL 337 (2014))
- How To Win the Deference Lottery*, 91 TEXAS LAW REVIEW SEE ALSO 73–88 (2013) (invited response to Jud Mathews, *Deference Lotteries*, 91 TEXAS LAW REVIEW 1349 (2013))
- Dodd-Frank Regulators, Cost-Benefit Analysis, and Agency Capture*, 66 STANFORD LAW REVIEW ONLINE 9–16 (2013) (with Professor Paul Rose, The Ohio State University Moritz College of Law)
- Avoiding Normative Canons in the Review of Administrative Interpretations of Law: A Brand X Doctrine of Constitutional Avoidance*, 64 ADMINISTRATIVE LAW REVIEW 139–190 (2012)

### Selected Reports and Practitioner Publications

- AGENCY APPELLATE SYSTEMS (Final Report and Recommendations to the Administrative Conference of the United States, Dec. 2020) (with Matthew Wiener, Executive Director, Administrative Conference)  
*recommendations adopted* 86 Fed. Reg. 6618, 6618–20 (Jan. 22, 2021)
- EXAMINING THE SEC'S PROXY ADVISOR RULE (Report for U.S. Chamber of Commerce, Nov. 2020) (with Professor Paul Rose, The Ohio State University Moritz College of Law)
- Agency Adjudication*, in DEVELOPMENTS IN ADMINISTRATIVE LAW AND REGULATORY PRACTICE (American Bar Ass'n ed., annual chapter in 2016, 2017, 2018, 2019, 2020 developments books and conference materials) (with Matthew Wiener, Executive Director, Administrative Conference of the United States)
- FEDERAL AGENCIES IN THE LEGISLATIVE PROCESS: TECHNICAL ASSISTANCE IN STATUTORY DRAFTING (Final Report and Recommendations to the Administrative Conference of the United States, Nov. 2015)  
*recommendations adopted* 80 Fed. Reg. 78,161, 78,161-63 (Dec. 16, 2015)
- THE IMPORTANCE OF COST-BENEFIT ANALYSIS IN FINANCIAL REGULATION (Report for U.S. Chamber of Commerce, Mar. 2013) (with Professor Paul Rose, The Ohio State University Moritz College of Law)

### Selected Articles Published Prior to Academic Appointment

- Gender Equity in College Athletics: Women Coaches as a Case Study*, 4 STANFORD JOURNAL OF CIVIL RIGHTS AND CIVIL LIBERTIES 1–50 (2008) (with Professor Deborah L. Rhode, Stanford Law School)

*The Inheritance Process in San Bernardino County, California, 1964: A Research Note*, 43 HOUSTON LAW REVIEW 1445–1473 (2007) (with Professor Lawrence Friedman and Ben Hernandez-Stern, Stanford Law School)

*Border Vigilantism and Comprehensive Immigration Reform*, 10 HARVARD LATINO LAW REVIEW 135–174 (2007)

*Judicial Independence and the Rule of Law: Lessons from Post-Menem Argentina*, 14 SOUTHWESTERN JOURNAL OF LAW AND TRADE IN THE AMERICAS 89–118 (2007)

*Adequate Access or Equal Treatment: Looking Beyond the IDEA to Section 504 in the Post-Schaffer Public School*, Note, 58 STANFORD LAW REVIEW 1563–1622 (2006)

*Toward Democratic Consolidation? The Argentine Supreme Court, Judicial Independence, and the Rule of Law*, 18 FLORIDA JOURNAL OF INTERNATIONAL LAW 745–806 (2006)

*The History of School Trust Lands in Nevada: The No Child Left Behind Act of 1864*, 7 NEVADA LAW JOURNAL 110–150 (2006)

### Selected Other Commentary, Reviews, and Editorials

Founding Editor & Regular Blogger, YALE JOURNAL ON REGULATION NOTICE & COMMENT BLOG (2014–present) (586 blog posts as of 5/30/2022)

Annual Reviews for Administrative Law Section, JOTWELL: JOURNAL OF THINGS WE LIKE (LOTS) (2013–present) (links to reviews: 2013, 2014, 2015, 2016, 2017, 2019, 2019, 2020, 2021)

*A Reform Agenda for Administrative Adjudication*, REGULATION 30–35 (Spring 2021)

*Book Review: Reasoned Administration and Democratic Legitimacy*, 51 AMERICAN REVIEW OF PUBLIC ADMINISTRATION 73–75 (2020) (invited review of JERRY L. MASHAW, REASONED ADMINISTRATION AND DEMOCRATIC LEGITIMACY (2018))

Reading *Law in the Classroom*, 18 GREEN BAG 2D 119–123 (2014) (with Andrew T. Mikac, Class of 2016, The Ohio State University Moritz College of Law) (contribution to micro-symposium on ANTONIN SCALIA & BRYAN A. GARNER, READING LAW: THE INTERPRETATION OF LEGAL TEXTS (2012))

Various Blog Posts and Essays: ADMINISTRATIVE & REGULATORY LAW NEWS (Summer 2018, Fall 2020, Winter 2021, Spring 2021, Summer 2021); FREE STATE FOUNDATION (Nov. 2017, Aug. 2018, July 2019; Oct. 2021); HARVARD LAW SCHOOL FORUM ON CORPORATE GOVERNANCE (Dec. 2020, Jan. 2021; Dec. 2021); LAW AND LIBERTY (Feb. 2016, Aug. 2016, Apr. 2018; Aug. 2021), PATENTLY-O (Mar. 2018); PRAWFSBLAWG (April 2016 series); PROCEDURALLY TAXING (Apr. 2014, June 2014, Apr. 2016); REGULATORY REVIEW (Aug. 2013, Apr. 2016, May 2017, May 2018, Sept. 2018, Mar. 2020, June 2021), SCOTUSBLOG (July 2018; Mar. 2019; Mar. 2019; June 2019); TAXPROF BLOG (June 2014, Dec. 2015)

## EDUCATION

### STANFORD UNIVERSITY, SCHOOL OF LAW

Stanford, CA

*Juris Doctorate*

May 2006

**Journals** STANFORD LAW REVIEW: Managing Editor (2005–06), Executive Editor (2004–05), Editor (2003–04)  
STANFORD LAW & POLICY REVIEW: Editor-in-Chief (2004–05), Editor (2002–03)

**Honors/Awards** Order of the Coif; Stanford Public Interest Law Fellow (2004–06); Steven M. Block Award for Civil Liberties Scholarship (2006); National Ass’n of Counsel for Children Law Student Essay Prize (2006); John M. Olin Research Fellow in Law and Economics (2005); Hilmer Oehlmann, Jr. Award for Legal Research and Writing (2003)

### HARVARD UNIVERSITY, JOHN F. KENNEDY SCHOOL OF GOVERNMENT

Cambridge, MA

*Master in Public Policy*

May 2006

**Policy Emphases** Education and Immigration **Methodological Concentration:** Negotiation and Conflict

**Master’s Thesis** Multi-Disabled Students and State Special Schools for the Blind and Deaf

**Honors/Awards** FLAS Fellow at David Rockefeller Center for Latin American Studies (2003–04); Susan C. Eaton Memorial Prize for Social Policy Scholarship (2004); United Nations E-Government Research Fellow for Latin America (2003–05)

**BRIGHAM YOUNG UNIVERSITY**

Provo, UT

*Bachelor of Arts in Philosophy with Minor in Political Science*

April 2002

**Honors Thesis** Business Consortiums, Entrepreneurship, and Economic Development in Argentina**Honors/Awards** Summa Cum Laude; University Valedictorian; Student Commencement Speaker; Gordon B. Hinckley Presidential Scholar (1997–2002); BYU Student Service Ass'n Scholar (2001–02); David H. Yarn Prize for Writing in Philosophy (2002)**PROFESSIONAL EXPERIENCE****AMERICAN BAR ASS'N, Section of Administrative Law & Regulatory Practice** Washington, DC*Member and Leader* August 2012–present

Annual Conference Organizer (2020–present); Immediate Past Chair (2021–2022), Chair (2020–21), Chair-Elect (2019–20), Vice-Chair (2018–19), Council Member (2015–18)

**ADMINISTRATIVE CONFERENCE OF THE UNITED STATES**

Washington, DC

*Senior Fellow* August 2022–present*Public Member* July 2016–July 2022

Serve on Adjudication Committee and written three reports as academic consultant for the Conference

**OHIO STATE BAR ASS'N, Administrative Agency Law Specialty Board**

Columbus, OH

*Member* August 2014–May 2022

Administered administrative law certification test and facilitated continuing legal education in field

**OHIO BIPARTISAN JUDICIAL ADVISORY COMMISSION**

Columbus, OH

*Chair* June 2018–October 2019*Member* June 2017–August 2017, March 2021–June 2021

Advised Senators Sherrod Brown and Rob Portman on filling ten vacancies on federal district courts in Ohio

**AMERICAN BAR ASS'N, Standing Committee on Federal Judiciary**

Columbus, OH

*Member of the Practitioners Reading Group* September–October 2020

Worked on ABA review of nomination of Judge Amy Cohen Barrett to U.S. Supreme Court

**UNLV WILLIAM S. BOYD SCHOOL OF LAW**

Las Vegas, NV

*Visiting Lecturer* January 2020

Taught seminar on U.S. Supreme Court decisionmaking

**SENATE JUDICIARY COMMITTEE, Senator Orrin Hatch's Staff**

Washington, DC

*Academic Fellow* January 2017–May 2017

Worked on Gorsuch Supreme Court confirmation and regulatory reform legislation

**KELLOGG, HUBER, HANSEN, TODD, EVANS & FIGEL, P.L.L.C.**

Washington, DC

*Associate* September 2009–August 2012

Argued two appeals and one dispositive motion, participated in three trials, and drafted numerous pleadings, motions, and trial and appellate briefs

**U.S. SUPREME COURT, Justice Anthony M. Kennedy**

Washington, DC

*Law Clerk* October Term, 2008**U.S. DEPARTMENT OF JUSTICE, Civil Appellate Staff**

Washington, DC

*Trial Attorney (DOJ Honors Program)* August 2007–July 2008

Argued four appeals, drafted twenty briefs (fifteen as principal author), and represented various agencies

**U.S. COURT OF APPEALS FOR THE NINTH CIRCUIT, Judge Alex Kozinski**

Pasadena, CA

*Law Clerk* May 2006–June 2007

**GIBSON, DUNN & CRUTCHER LLP** (Summer 2007) Washington, DC  
**WILMER CUTLER PICKERING HALE & DORR, LLP** (Summer 2005) Washington, DC  
**BALLARD SPAHR ANDREWS & INGERSOLL, LLP** (Summer 2003) Salt Lake City, UT  
*Summer Associate*

**U.S. DEPARTMENT OF EDUCATION, General Counsel's Office** Washington, DC  
*Summer Law Clerk* May–August 2004

**BRAZILIAN IMMIGRATION CENTER** (January–April 2004) Boston, MA  
**COMMUNITY LEGAL SERVICES** (January–April 2003) East Palo Alto, CA  
*Legal Intern and Spanish/Portuguese Interpreter*

### **BAR MEMBERSHIPS**

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Ohio Supreme Court (Bar No. 91462, admitted 2014); District of Columbia Court of Appeals (Bar No. 993521, admitted 2010); Nevada Supreme Court (Bar No. 10465, admitted 2007; resigned 2019); U.S. Supreme Court (admitted 2012); U.S. Courts of Appeals for the First Circuit (admitted 2008), Second Circuit (admitted 2007), Fourth Circuit (admitted 2007), Fifth Circuit (admitted 2007), Sixth Circuit (admitted 2019), Seventh Circuit (admitted 2007), Ninth Circuit (admitted 2007), Tenth Circuit (admitted 2007), and District of Columbia Circuit (admitted 2007)

### **SELECTED RECENT PRESENTATIONS (SINCE 2020)**

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Presenter, *Regulatory Policymaking and Democratic Accountability*, *Georgetown Journal of Law and Public Policy* Ensuring Democratic Accountability in the Administrative State Symposium (scheduled Feb. 2023)

Presenter, *Interpreting the Administrative Procedure Act*, *Notre Dame Law Review* History of the Administrative Procedure Act and Judicial Review Symposium (scheduled Jan. 2023)

Presenter, *Precedential Decision Making in Agency Adjudication*, Administrative Conference of the United States 78th Plenary Session (scheduled Dec. 2022)

Panelist, *Cooperative Federalism*, The National Association of Attorneys General Capital Forum (scheduled Dec. 2022)

Presenter, *Developments in Agency Adjudication*, American Bar Ass'n Annual Administrative Law Conference (scheduled Dec. 2022; Nov. 2021; Nov. 2020; Nov. 2019; Nov. 2018; Oct. 2017; Dec. 2016; Oct. 2015)

Presenter, *Saving Agency Adjudication*: University of Michigan Governance Workshop (scheduled Dec. 2022); Boyden C. Gray Center Research Roundtable (Aug. 2022)

Presenter or Debater, *The Future of Qualified Immunity*: Sixth Circuit Judicial Conference (Sept. 2022); Eighth Circuit Judicial Conference (Oct. 2021); National Association of Attorneys General Webinar (Dec. 2020); University of Illinois Constitutional Law Colloquium (Feb. 2020); The National Association of Attorneys General Annual State Solicitors General and Appellate Chiefs Conference (July 2019); Federalist Society Annual Faculty Conference (Jan. 2019) (video)

Presenter, *Congress's Anti-Removal Power*: Stanford Constitutional Law Center's Histories of Presidential Power Conference (May 2022); National Conference of Constitutional Law Scholars (Feb. 2022); University of Texas Law Faculty Workshop (Feb. 2022); University of Michigan Law Faculty Workshop (Nov. 2021); Brigham Young University Law Faculty Workshop (Oct. 2021); Boyden C. Gray Center Research Roundtable (Sept. 2021)

Presenter, *Federal Administrative Law Update and Primer*, Ohio State Bar Ass'n Administrative Law Conference (Sept. 2021; Sept. 2020; Sept. 2019; Sept. 2018; Sept. 2017; Sept. 2016; Sept. 2015; Sept. 2014; Sept. 2013)

Presenter, *The Lost World of the Administrative Procedure Act: A Literature Review*, *George Mason Law Review* Administrative Procedure Act at 75 Symposium (June 2021)

Presenter, *Constraining Bureaucracy Beyond Judicial Review*: Wharton Bureaucracy Workshop Series (Apr. 2021); Moritz Faculty Workshop (Feb. 2020, Apr. 2019); Hoover Institution Regulation and Rule of Law Virtual Conference (July 2020); V International Congress on Institutional Theory, Universidade Federal do Rio de Janeiro, Brazil (Nov. 2018); Third Annual Administrative Law New Scholarship Roundtable, University of

Michigan (June 2018); University of Washington Law Faculty Workshop (May 2018); *UCLA Law Review* The Safeguards of Our Constitutional Republic Symposium (Feb. 2018)

Presenter, *Qualified Immunity and 51 Imperfect Solutions*, *Duke Journal of Constitutional Law & Public Policy* Qualified Immunity Symposium (Apr. 2021)

Panelist, *Constitutional Principals: Administrative Adjudication and Arthrex*, The Center for Innovation Policy at Duke Law (Feb. 2021)

Presenter, *The Case Against Chevron Deference in Immigration Adjudication*: *Duke Law Journal* 51st Annual Administrative Law Symposium (Feb. 2021); Boyden C. Gray Center Research Roundtable (Nov. 2020); Institute for Humane Studies and Pacific Legal Foundation Administrative Law Research Seminar (Aug. 2020); Penn State Law Faculty Workshop (July 2020)

Presenter, *Agency Appellate Systems*, Administrative Conference of the United States 73rd Plenary Session (Dec. 2020)

Presenter, *Remand and Dialogue in Administrative Law*: American Bar Ass'n 2020 Annual Administrative Law Conference (Nov. 2020); C. Boyden Gray Center for the Study of the Administrative State The Administration of Immigration Conference (Oct. 2019)

Panelist, *Constitutional Issues Flowing from the Supreme Court's Ruling in Arthrex on PTAB and TTAB Proceedings*, American Intellectual Property Law Ass'n Annual Meeting (Oct. 2020)

Presenter, *Delegation and Time*: Federalist Society Eighth Annual Executive Branch Review Conference (Apr. 2020) (video); University of San Diego Law Faculty Workshop (Aug. 2019); C. Boyden Gray Center for the Study of the Administrative State Constitution's First Branch—Rediscovering the Legislative Power Conference (May 2019) (video); The Ohio State University American Politics Seminar (Feb. 2019)

Organizer and Presenter, *Charting the New Landscape of Administrative Adjudication*, *Duke Law Journal* 50th Annual Administrative Law Symposium (Feb. 2020) (video)

Presenter, *Operationalizing Internal Administrative Law*, *Hastings Law Journal* Administrative Law in the Age of Trump Symposium (Feb. 2020)

Presenter, *Tax, Administrative Law, and the Future of Judicial Deference to Treasury Regulations*, USC Gould School of Law 2020 Tax Institute (Jan. 2020)