

DANIEL T. DEACON

625 S State St.
Ann Arbor, MI 48109

(734) 764-5571
deacond@umich.edu

ACADEMIC APPOINTMENTS

University of Michigan Law School, Ann Arbor, MI

Assistant Professor of Law (beginning summer 2023)
Lecturer, 2019–Present

University of California, Irvine School of Law, Irvine, CA

Visiting Assistant Professor of Law, 2016–2017; 2018–2019

Harvard Law School, Cambridge, MA

Climenko Fellow and Lecturer on Law, 2014–2016

EDUCATION

New York University School of Law, New York, NY

J.D., *summa cum laude*, 2010

Honors: Order of the Coif
 Butler Scholar (top ten students after four semesters)
 Pomeroy Scholar (top ten students after first year)
 Furman Academic Scholar (scholarship for students considering
 academia)
 Paul D. Kaufman Memorial Award (best Note for the *Law Review*)

Activities: *New York University Law Review*, Articles Editor
 Teaching Assistant, Civil Procedure (Professor Samuel Issacharoff)
 Research Assistant, Dean Richard Revesz & Professor Barry Friedman

University of Wisconsin, Madison, WI

B.A. in History, with honors, and Political Science, 2006

Honors: Phi Beta Kappa
 Fred Harvey Harrington Prize (best senior thesis in History
 Department)
 Dean's List (all semesters)

LAW REVIEW PUBLICATIONS

The New Major Questions Doctrine, 109 VA. L. REV. ___ (forthcoming 2023) (with Leah Litman)

Institutional Considerations for the Regulation of Internet Service Providers, 74 FED. COMM. L.J. 111 (2022)

- Invited contribution to the symposium “25th Anniversary of the Telecommunications Act of 1996—What’s Next?”

Federal Common Law Versus Agency Power: An Essay on Epic Systems Corporation v. Lewis, 2019 J. DISP. RESOL. 141

- Invited contribution to *Journal of Dispute Resolution*'s issue on *Epic Systems Corp. v. Lewis*

Justice Scalia on Updating Old Statutes (With Particular Attention to the Communications Act), 16 COLO. TECH. L.J. 103 (2018)

- Invited contribution to 17th Annual Digital Broadband Migration Conference, University of Colorado

Agencies and Arbitration, 117 COLUM. L. REV. 991 (2017)

- Cited in Brief for the Respondent, *Epic Systems Corp. v. Lewis* (No. 16-285, Sup. Ct.)

Administrative Forbearance, 125 YALE L.J. 1548 (2016)

- Reviewed in Chris Walker, *Deacon on Congressional Delegation of Law-Invalidating Authority*, NOTICE & COMMENT (Feb. 26, 2016), <http://yalejreg.com/nc/deacon-on-congressional-delegation-of-law-invalidating-authority-adlaw-bridge-series-by-chris-walker/>

Common Carrier Essentialism and the Emerging Common Law of Internet Regulation, 67 ADMIN. L. REV. 133 (2015)

A Course Unbroken: The Constitutional Legitimacy of the Dormant Commerce Clause, 97 VA. L. REV. 1877 (2011) (with Barry Friedman)

- Cited by *Tennessee Wine & Spirits Retailers Ass'n v. Thomas*, 139 S. Ct. 2449 (2019)

Note, *Deregulation Through Nonenforcement*, 85 N.Y.U. L. REV. 795 (2010)

WORKS IN PROGRESS

“Responding to Alternatives”

“The Federal Radio Act of 1927 and the Shaping of the Modern Administrative State”

COURSES TAUGHT

Administrative Law

Legislation and Regulation

Federal Courts

Communications Law

Data Privacy

Supreme Court Term OT 2021 (mini-seminar)

PRIOR LEGAL EXPERIENCE

Jones Day, Irvine, CA

Associate, Cybersecurity, Privacy & Data Protection, 2017–2018

Wilmer Cutler Pickering Hale and Dorr LLP, Washington, DC

Associate, Communications, Internet and Privacy Law, 2011–2014

Summer Associate, 2009

The Honorable A. Raymond Randolph, U.S. Court of Appeals for the D.C. Circuit

Clerk, 2010–2011

Office of the Solicitor General, United States Department of Justice, Washington, DC
Summer Law Intern, 2010

COMMENTARY

No, Agencies Are not Allowed to be “a Little Bit Wrong” About the Constitution, NOTICE & COMMENT (June 22, 2020), <https://www.yalejreg.com/nc/no-agencies-are-not-allowed-to-be-a-little-bit-wrong-about-the-constitution-by-daniel-t-deacon/>

The Strange and Fascinating Save the Internet Act, NOTICE & COMMENT (April 11, 2019), <http://yalejreg.com/nc/judge-kavanaugh-and-weaponized-administrative-law-by-daniel-deacon/>

Judge Kavanaugh and “Weaponized Administrative Law”, NOTICE & COMMENT (July 11, 2018), <http://yalejreg.com/nc/judge-kavanaugh-and-weaponized-administrative-law-by-daniel-deacon/>

FCC Signals it Will Eliminate Title II Treatment of Internet Service Providers, TAKE CARE (May 2, 2017), <https://takecareblog.com/blog/fcc-signals-it-will-eliminate-title-ii-treatment-of-internet-service-providers>

FCC’s Reversal on Prison Call Rates Demonstrates the Commission’s New Stance, TAKE CARE (Mar. 29, 2017), <https://takecareblog.com/blog/fcc-s-reversal-on-prison-call-rates-demonstrates-the-commission-s-new-stance>

The Standard Fare of Judging: What Happens When the Judiciary Does What It Always Does, TAKE CARE (Mar. 28, 2017) (with Leah Litman), <https://takecareblog.com/blog/the-standard-fare-of-judges-what-happens-when-the-judiciary-does-what-it-always-does>

FCC Loses “Muni Broadband” Appeal, NOTICE & COMMENT (Aug. 11, 2016), <http://yalejreg.com/nc/fcc-loses-muni-broadband-appeal/>

The Net Neutrality Case as a Battle Site over “Libertarian Administrative Law”, NOTICE & COMMENT (June 18, 2016), <http://yalejreg.com/nc/the-net-neutrality-case-as-a-battle-site-over-libertarian-administrative-law-by-daniel-deacon/>

Merrick Garland, Aspiring Administrative Law Professor?, NOTICE & COMMENT (Mar. 18, 2016), <http://yalejreg.com/nc/merrick-garland-aspiring-administrative-law-professor-by-daniel-deacon/>

The FCC’s Upcoming Privacy Rules and the Fragmentation of Internet Regulation, NOTICE & COMMENT (Mar. 16, 2016), <http://yalejreg.com/nc/the-fcc-s-upcoming-privacy-rules-and-the-fragmentation-of-internet-regulation-by-daniel-deacon/>

That Other Basis for FCC Jurisdiction over the Internet, NOTICE & COMMENT (July 8, 2015), <http://yalejreg.com/nc/that-other-basis-for-fcc-jurisdiction-over-the-internet-by-daniel-deacon/>

Some Thoughts on FCC Merger Review Occasioned by the Demise of the Comcast-Time Warner Cable Deal, NOTICE & COMMENT (Apr. 29, 2015), <http://yalejreg.com/nc/some-thoughts-on-fcc-merger-review-occasioned-by-the-demise-of-the-comcast-time-warner-cable-deal-by/>

The FCC’s Title II Reclassification: The Lawsuits Are Here!, NOTICE & COMMENT (Apr. 23, 2015), <http://yalejreg.com/nc/the-fcc-s-title-ii-reclassification-the-lawsuits-are-here-by-daniel-deacon/>

Title II Reclassification: A Reply to Gus Hurwitz, NOTICE & COMMENT (Feb. 16, 2015), <http://yalejreg.com/nc/title-ii-reclassification-a-reply-to-gus-hurwitz-by-daniel-deacon/>

Title II Reclassification: A Legal Primer, NOTICE & COMMENT (Feb. 9, 2015), <http://yalejreg.com/nc/title-ii-reclassification-a-legal-primer-by-daniel-deacon/>

SELECTED PANELS AND PRESENTATIONS

Panelist, “Intersection of Constitutional and Statutory Interpretation Post-*Dobbs*,” AALS Annual Meeting (January 2023)

“Responding to Alternatives,” University of Michigan Law School Legal Theory Workshop (October 2022)

“The New Major Questions Doctrine,” Power in the Administrative State Workshop Series (September 2022)

“Institutional Considerations for the Regulation of Internet Service Providers,” The 25th Anniversary of the Telecommunications Act of 1996—What’s Next?, Berkeley Center for Law & Technology (March 2021)

“The Federal Radio Act of 1927 and the Shaping of the Modern Administrative State,” New Voices in Administrative Law and Legislation, AALS Annual Meeting (January 2020)

“The Federal Radio Act of 1927 and the Shaping of the Modern Administrative State,” University of San Diego School of Law (April 2019)

“The Federal Radio Act of 1927 and the Shaping of the Modern Administrative State,” Washington University in St. Louis School of Law (December 2018)

“Agencies and Arbitration,” Ohio State University Moritz College of Law (May 2018)

“Agencies and Arbitration,” University of Idaho College of Law (May 2017)

Panelist, “Consumer Financial Protection Bureau Rulemaking and Consumer Arbitration Clauses,” Resolving the Arbitration Dispute in Today’s Legal Landscape Conference, Rutgers Law School (April 2017)

“Justice Scalia on Updating Old Statutes (With Particular Attention to the Communications Act),” Seventeenth Annual Digital Broadband Migration Conference, University of Colorado (February 2017)

“Agencies and Arbitration,” University of California, Irvine School of Law (January 2017)

“Agencies and Arbitration,” Marquette University School of Law (November 2016)

AD HOC REFEREE

Harvard Law Review, Stanford Law Review, Yale Law Journal

BAR ADMISSIONS

District of Columbia; California (inactive); Maryland (inactive); U.S. Courts of Appeals for the First, Second, and Tenth Circuits