

Christopher J. Walker

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ACADEMIC APPOINTMENT

THE OHIO STATE UNIVERSITY, MICHAEL E. MORITZ COLLEGE OF LAW	Columbus, OH
<i>John W. Bricker Professor of Law</i>	2020–present
<i>Director, Moritz Washington DC Summer Program</i>	2013–present
<i>Professor of Law</i>	2019–2020
<i>Associate Professor of Law (with tenure)</i>	2016–2019
<i>Assistant Professor of Law</i>	2012–2016

Courses 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

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

Outside Activities Public Member, Administrative Conference of the United States (2016–present)
Chair (2020–present), Chair-Elect (2019–20), Vice-Chair (2018–19), Council Member (2015–18), American Bar Ass’n Section of Administrative Law & Regulatory Practice
Member, Administrative Agency Law Specialty Board, Ohio State Bar Ass’n (2014–present)
Regular Blogger, YALE JOURNAL ON REGULATION (2014–present)
Section Editor (2015–present); Contributing Editor (2013–present), Administrative Law Section, JOTWELL: JOURNAL OF THINGS WE LIKE (LOTS)
Member, Program Committee for 2020 Annual Meeting, Ass’n of American Law Schools

SCHOLARSHIP

Works in Progress

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

Constraining Bureaucracy Beyond Judicial Review, DÆDALUS: THE JOURNAL OF THE AMERICAN ACADEMY OF ARTS & SCIENCES (forthcoming 2021) (invited contribution to special interdisciplinary issue on the modern administrative state)

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

Qualified Immunity and 51 Imperfect Solutions, 16 DUKE JOURNAL OF CONSTITUTIONAL LAW & PUBLIC POLICY (forthcoming 2021) (with Professor Aaron Nielson, Brigham Young University Law School) (invited symposium contribution)

Articles and Essays

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)

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

- 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)
- 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))
- 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 Delegators, 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 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 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)

The Insider's Guide to the Supreme Court of the United States, in ABA-CAL APPELLATE PRACTICE COMPENDIUM 1–22 (Dana Livingston & American Bar Ass'n eds., 2012) (with David C. Frederick and David M. Burke, Kellogg, Huber, Hansen, Todd, Evans & Figel, P.L.L.C.)

Selected Other Commentary, Reviews, and Editorials

Founding Editor & Regular Blogger, YALE JOURNAL ON REGULATION NOTICE & COMMENT BLOG (2014–present) (523 blog posts as of 5/17/2021)

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)

Various Guest Posts, FREE STATE FOUNDATION (Nov. 2017, Aug. 2018, July 2019), HARVARD LAW SCHOOL FORUM ON CORPORATE GOVERNANCE (Dec. 2020, Jan. 2021), LAW AND LIBERTY (Feb. 2016, Aug. 2016, Apr. 2018), PATENTLY-O (Mar. 2018), PROCEDURALLY TAXING (Apr. 2014, June 2014, Apr. 2016), REGULATORY REVIEW (Aug. 2013, Apr. 2016, May 2017, May 2018, Sept. 2018, Mar. 2020), SCOTUSBLOG (July 2018; Mar. 2019; Mar. 2019; June 2019), and TAXPROF BLOG (June 2014, Dec. 2015)

Junior Law Professors Frequently Asked Questions (FAQs) Series, PRAWFSBLAWG (April 2016) (month-long series)
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))

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 ASSOCIATIONS & BAR MEMBERSHIPS

AALS Administrative Law Section (since 2012); AALS Legislation and Law of the Political Process Section (since 2012); ABA Section of Administrative Law & Regulatory Practice (No. 01796423, since 2008); Administrative Agency Law Specialty Board, Ohio State Bar Ass'n (since 2014); U.S. Chamber Litigation Center (since 2013); Administrative Conference of the United States (Public Member, since 2016)

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)

PROFESSIONAL EXPERIENCE

ABA 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

- OHIO BIPARTISAN JUDICIAL ADVISORY COMMISSION** Columbus, OH
Chair June 2018–October 2019
Member June 2017–August 2017
 Advised senators on filling seven vacancies on District Courts for Southern and Northern Districts of Ohio
- SENATE JUDICIARY COMMITTEE, Senator 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

SELECTED PANELS AND PRESENTATIONS

- Presenter, *Qualified Immunity and Federalism*, Eighth Circuit Judicial Conference (scheduled Oct. 2021); National Association of Attorneys General Webinar (Dec. 2021); University of Illinois Constitutional Law Colloquium (Feb. 2020)
- Presenter, *The Lost World of the Administrative Procedure Act: A Literature Review*, *George Mason Law Review* Administrative Procedure Act at 75 Symposium (scheduled 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 Administrative Law Conference (Nov. 2020); C. Boyden Gray Center for the Study of the Administrative State The Administration of Immigration Conference (Oct. 2019)

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

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

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, *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)

Panelist, *APA Reform: What's on the Table*, U.S. Department of Justice Summit on Modernizing the Administration Procedure Act (Dec. 2019)

Debater, *Resolved: The Supreme Court Should Overrule Qualified Immunity*: 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, *Constitutional Tensions in Agency Adjudication*: *NYU Journal of Law & Liberty* Administrative State Wars Yet to Come Symposium (Feb. 2019); *Iowa Law Review* Administering Patent Law Symposium (Sept. 2018)

Panelist, *Regulation by Adjudication*, Federalist Society National Lawyers Convention (Nov. 2018)

Presenter, *Administrative Law's Political Dynamics*, UT-Austin Law Faculty Workshop (Oct. 2018)

Presenter, *The New World of Agency Adjudication*, Northwestern University Law Faculty Workshop (Sept. 2018)

Panelist, *Chevron & Auer: Appellate Review of Administrative Determinations*, 2018 Federal Circuit Judicial Conference (Mar. 2018)

Panelist, *Administrative Deference: Auer v. Robbins*, *Yale Law and Policy Review* Rethinking Landmark Supreme Court Decisions Symposium (Feb. 2018)

Panelist, *Reform Proposals for the Administrative State*, Federalist Society Annual Faculty Conference (Jan. 2018) (video)

Panelist, *Administrative Lawmaking in the 21st Century*, *Notre Dame Law Review* Annual Symposium (Nov. 2017)

Panelist, *Congress and the Administrative State*, Federalist Society National Lawyers Convention, (Nov. 2017) (video)

Presenter, *The New Role of the Administrative State in the Innovation Economy*, Policy Conference, George Mason University's Center for the Study of the Administrative State (Nov. 2017)

Panelist, *Agency Adjudication Outside of the Administrative Procedure Act*, American Bar Ass'n Administrative Law Conference (Oct. 2017)

Conference Co-Organizer & Presenter, Second Annual Administrative Law New Scholarship Roundtable, The Ohio State University (June 2017)

Presenter, *Legislating in the Shadows*: Mercatus Center Paper Series (June 2017); 31st Annual AALS Scholarly Papers Award Presentation (Jan. 2017); AALS New Voices in Legislation Workshop (Jan. 2017); Federalist Society Annual Faculty Conference (Jan. 2017); George Mason Law Faculty Workshop (Nov. 2016); Political Economy and Public Law Conference, Cornell Law School (June 2016); Research Roundtable, George Mason University's Center for the Study of the Administrative State (Mar. 2016); Democracy Studies Research Colloquium, The Ohio State University (Feb. 2016); University of Utah Law Faculty Workshop (Jan. 2016); UNLV Law Faculty Workshop (Jan. 2016); Moritz Junior Faculty Workshop (Oct. 2015)

Presenter, *Chevron in the Circuit Courts*: Administration Law Section Brownbag, D.C. Bar Ass'n (May 2017); Office of the Solicitor Lawyers' Brownbag, U.S. Department of Labor (Feb. 2017); First Annual Administrative Law New Scholarship Roundtable (June 2016)

Presenter, *Attacking Auer and Chevron Deference: A Literature Review*, Georgetown Center for the Constitution and Institute for Justice Challenging Administrative Power Conference (April 2017)

Conference Co-Organizer & Panel Moderator, *The Time for Regulatory Reform in Congress*, Center for the Study of the Administrative State (Mar. 2017)

Panelist, *Administrative Law's Hidden Dynamics—New Trends in Scholarship*, American Association of Law Schools Annual Meeting (Jan. 2017)

Moderator, *Your Agency Is Not That Special: The Decline of Administrative Law Exceptionalism*, American Bar Ass'n Administrative Law Conference (Dec. 2016)

Presenter, *Lawmaking Within Federal Agencies and Without Judicial Review*, Environmental Law Without Courts Conference, Florida State University College of Law (September 2016)

Presenter, *Complying with Law: An Interdisciplinary Dialogue*, Loyola University Chicago College of Law (Sept. 2016)

Panelist, *Deference in Doubt? The Future of Chevron and the Administrative State*, American Constitution Society National Convention (June 2016) (video)

Presenter, *Separation of Powers: Congress, Agencies, and the Court*, Policy Conference, George Mason University's Center for the Study of the Administrative State (June 2016) (video)

Presenter, *Supreme Court Review*, Ohio Attorney General's Annual Leadership Retreat (Apr. 2016)

Presenter, *Administrative Appeals Primer*, Ohio State Bar Ass'n Appellate Practice CLE Seminar (Apr. 2016; Apr. 2015; Apr. 2014)

Panelist, *The State of Chevron: 15 Years After Mead*, *Administrative Law Review* Annual Symposium (Mar. 2016)

Panelist, *A Future Without the Administrative State?*, *Missouri Law Review* Symposium (Mar. 2016) (video)

Respondent, *Intellectual Property Exceptionalism in Administrative Law*, *Duke Law Journal* 46th Annual Administrative Law Symposium (Feb. 2016) (video)

Panelist, *Is Immigration Law Administrative Law?*, American Ass'n of Law Schools Annual Meeting (Jan. 2016)

Presenter, *Strategic Immunity*, AALS New Voices in Administrative Law Workshop (Jan. 2016)

Panelist, *The New Chevron Skeptics*, Federalist Society Annual Faculty Conference (Jan. 2016) (video)

Presenter, *Federal Agencies in the Legislative Process*: Plenary Session, Administrative Conference of the United States (Dec. 2015); Meeting of Council of Independent Regulatory Agencies (Oct. 2015); Meetings of Rulemaking Committee, Administrative Conference of the United States (Sept. & Oct. 2015); Moritz Junior Faculty Workshop (Apr. 2015); AALS New Voices in Administrative Law Workshop (Jan. 2015); Brigham Young University Law Faculty Workshop (Jan. 2015)

Presenter, *Chevron Inside the Regulatory State: An Empirical Assessment*: Differential Deference Panel, American Bar Ass'n Administrative Law Conference (Oct. 2015); Big Ten Junior Faculty Conference, University of Indiana Law School (Aug. 2014); *Fordham Law Review's Chevron at 30* Symposium (Mar. 2014) (video)

Presenter, *Supreme Court Review*, Ohio Court of Appeals Judges Association Annual Conference (Sept. 2015)

Presenter, *Administrative Law's Ordinary Remand Rule*, U.S. Department of Justice Office of Immigration Litigation Roundtable (July 2015)

Presenter, *The New Qualified Immunity*: Federalist Society Junior Scholars Colloquium (June 2015); University of Kentucky College of Law Faculty Workshop (Feb. 2015); University of Chicago Legal Scholarship Workshop (Nov. 2014); University of Cincinnati College of Law Faculty Workshop (Nov. 2014); Seventh Annual Junior Faculty Federal Courts Workshop, University of Georgia Law School (Oct. 2014)

Respondent, *A Tax Policy Symposium: Reforming the IRS*, University of Minnesota Law School (Mar. 2015)

Panelist, *The Future of Auer Deference*, Federalist Society Administrative Law & Regulation Practice Group Teleforum (Mar. 2015) (podcast)

Presenter, *Inside Agency Statutory Interpretation*; University of Wisconsin Empirical Rulemaking Conference (Feb. 2015); Federalist Society Annual Faculty Conference (Jan. 2015) (video); U.S. Department of Homeland Security Regulatory Affairs Practice Group Roundtable (Oct. 2014); Moritz Junior Faculty Workshop (Mar. 2014); University of Dayton School of Law Faculty Workshop (Mar. 2014); Moritz Faculty Workshop (Aug. 2013); Big Ten Junior Faculty Conference, University of Indiana Law School (Aug. 2013); Ohio Legal Scholarship Workshop, University of Dayton Law School (June 2013)

Presenter, *The Death of Tax Court Exceptionalism*: University of Kentucky College of Law Faculty Workshop (Oct. 2014); Moritz Faculty Workshop (Jan. 2014)

Presenter, *The Ordinary Remand Rule and the Judicial Toolbox for Agency Dialogue*: AALS New Voices in Administrative Law Workshop (Jan. 2014); *George Washington Law Review's* Annual Review of Administrative Law, American Bar Ass'n Administrative Law Conference (Nov. 2013); Big Ten Junior Faculty Conference, University of Indiana Law School (Aug. 2013); Ohio Legal Scholarship Workshop, The Ohio State University (Feb. 2013); UNLV Law Faculty Workshop (Jan. 2013); Fifth Annual J. Reuben Clark Law Society Faculty Conference (Jan. 2013); Moritz Junior Faculty Workshop (Dec. 2012)

Panelist, *Who Determines an Agency's Power?*, Federalist Society Annual Faculty Conference (Jan. 2014) (discussing impact of *City of Arlington v. FCC*) (video)

Presenter, *The Importance of Cost-Benefit Analysis in Financial Regulation*, U.S. Chamber of Commerce, Washington, DC (Mar. 2013) (with Professor Paul Rose, The Ohio State University Moritz College of Law)

Presenter, *Avoiding Normative Canons in the Review of Administrative Interpretations of Law: A Brand X Doctrine of Constitutional Avoidance*, Various Law School Faculty Workshops (Fall 2011)

LITIGATION EXPERIENCE

Selected Trial Experience

Trials Represented complainants in two-week commercial arbitration in New York City (Apr. and May 2012)
 Represented certain defendants in a six-week patent infringement trial in the District of New Jersey (May and June 2011)
 Represented a plaintiff in a two-week patent infringement trial in the Western District of Wisconsin (Nov. 2009)

Briefing Drafted numerous complaints, arbitration demands, motions to dismiss and oppositions, summary judgment motions and oppositions, *Daubert* and other motions *in limine* and oppositions, trial briefs, and a variety of pre- and post-trial briefs, motions, and other filings

Investigation Represented a company and various individuals in SEC-related investigations
 Deposed and defended individuals in numerous depositions

Oral Arguments

Counsel for Plaintiff-Appellant Erickson Air-Crane Inc., *Erickson Air-Crane Inc. v. EAC Holdings*, No. 2010-2483 (N.Y. S. Ct. (1st Dep't), argued Apr. 13, 2011)

Court-Appointed Counsel for Petitioner Fortino Avila-Canchola, *Avila-Canchola v. Holder*, No. 09-71353 (9th Cir., argued Oct. 5, 2010)

Counsel for Plaintiff Ricoh Co., Ltd., *Ricoh Co., Ltd. v. Quanta Computer, Inc.*, No. 06-C-462 (W.D. Wis., argued Nov. 16, 2009)

Counsel for Federal Respondent, *Ibeagwa v. Mukasey*, No. 06-70845 (9th Cir., argued June 13, 2008)

Counsel for Federal Defendant-Appellee, *Ayres v. D.C. Mayor & City Council*, No. 06-1826 (4th Cir., argued May 16, 2008)

Counsel for Federal Defendant-Appellee, *Jackson v. United States*, No. 06-4960 (3d Cir., argued May 5, 2008)

Counsel for Federal Defendants-Appellees, *PSA, LLC v. Mukasey*, Nos. 06-4920, 07-2554 (3d Cir., argued Jan. 14, 2008)

Appellate Briefs

Brief of Court-Appointed *Amicus Curiae* Aaron L. Nielson, *Collins v. Mnuchin*, Nos. 19-422 & 19-563 (S. Ct., filed Oct. 16, 2020) (contributor)

Brief of *Amicus Curiae* U.S. Chamber of Commerce in Support of Petitioners, *Altera Corp. v. IRS*, No. 19-1009 (S. Ct., filed Mar. 13, 2020) (principal author)

Brief of *Amici Curiae* U.S. Chamber of Commerce and Ohio Chamber of Commerce in Support of Defendants-Appellees, *Stiner v. Amazon.com*, No. 2019-0488 (Oh. S. Ct., filed Dec. 12, 2019) (principal author)

Brief of *Amicus Curiae* U.S. Chamber of Commerce in Support of Petitioner, *In re State of Ohio*, No. 19-3827 (6th Cir., filed Sept. 6, 2019) (principal author)

Brief of *Amicus Curiae* U.S. Chamber of Commerce in Support of Rehearing *En Banc*, *Altera Corp. v. IRS*, Nos. 16-70496, 16-70497 (9th Cir., filed Aug. 1, 2019) (principal author)

Supplemental Brief of *Amicus Curiae* U.S. Chamber of Commerce in Support of Petitioner-Appellee, *Altera Corp. v. IRS*, Nos. 16-70496, 16-70497 (9th Cir., filed Sept. 28, 2018) (principal author)

Brief of *Amicus Curiae* U.S. Chamber of Commerce in Support of Petitioners-Appellees, *Amazon.com & Subsidiaries v. IRS*, Nos. 17-72922 (9th Cir., filed July 5, 2018) (principal author)

Brief of *Amicus Curiae* U.S. Chamber of Commerce in Support of Appellant-Defendant, *UPS v. Corporacion del Fondo del Seguro del Estado*, No. CC-16-0946 (Puerto Rico S. Ct., filed June 16, 2017) (contributor)

Brief of *Amicus Curiae* U.S. Chamber of Commerce in Support of Appellant-Defendant, *Spence v. BNSF Railway Co.*, No. SC 96195 (Mo. S. Ct., filed May 15, 2017) (principal author)

Brief of Professors—Dean Ronald A. Cass, Christopher C. DeMuth, Sr., and Christopher J. Walker—as *Amici Curiae* in Support of Petitioner, *Gloucester County School Board v. G.G.*, No. 16-273 (S. Ct., filed January 10, 2017) (amicus law professor)

Brief of *Amicus Curiae* U.S. Chamber of Commerce in Support of Petitioner-Appellee, *Altera Corp. v. IRS*, Nos. 16-70496, 16-70497 (9th Cir., filed Sept. 20, 2016) (principal author)

Brief of *Amicus Curiae* U.S. Chamber of Commerce in Support of Petitioner, *ExxonMobil Pipeline Co. v. U.S. Dep't of Transportation*, No. 16-60448 (5th Cir., filed Sept. 7, 2016) (principal author)

Brief of *Amici Curiae* U.S. Chamber of Commerce and National Mining Association in Support of Plaintiff, *Murray Energy Corp. v. EPA*, No. 5:14-cv-00039-JPB (N.D. W.V., filed Aug. 24, 2016) (principal author)

Brief of *Amici Curiae* U.S. Chamber of Commerce et al. in Support of Petitioner, *State of Ohio v. Sierra Club*, No. 15-684 (S. Ct., filed Dec. 23, 2015) (principal author)

Brief of *Amicus Curiae* U.S. Chamber of Commerce et al. in Support of Petitioners, *Andarkeo Petroleum Corp. v. United States of America*, Nos. 14-1167 & 14-1217 (S. Ct., filed Apr. 23, 2015) (principal author)

Brief of *Amicus Curiae* U.S. Chamber of Commerce in Support of Plaintiff-Appellee, *Chevron Corp. v. Donziger*, No. 14-826 (2d Cir., filed Oct. 8, 2014) (principal author)

Brief of *Amici Curiae* U.S. Chamber of Commerce and American Farm Bureau Federation in Support of the Petition, *Mingo Logan Coal Co. v. EPA*, No. 13-599 (S. Ct., filed Dec. 16, 2013) (principal author)

Brief of *Amici Curiae* Ohio Law Professors in Support of Defendants-Appellees JobsOhio et al., *ProgressOhio.org, Inc. v. JobsOhio*, No. 2012-1272 (Ohio S. Ct., filed June 25, 2013) (amicus law professor)

Brief of Distinguished Alumni of UT-Austin as *Amici Curiae* in Support of Respondents, *Fisher v. University of Texas at Austin*, No. 11-345 (S. Ct., filed Aug. 13, 2012) (primary drafter)

Opening and Reply Briefs of Plaintiff-Appellant Erickson Air-Crane, *Erickson Air-Crane Inc. v. EAC Holdings*, No. 2010-2483 (N.Y. S. Ct. (1st Dep't), filed Dec. 10, 2010 and Feb. 10, 2011) (principal author)

Joint Opening and Reply Briefs of Respondents-Cross-Appellants Reinsurers, *In re Liquidation of Midland Ins. Co.*, No. 41294/86 (N.Y. S. Ct. (1st Dep't), filed June 28 and Aug. 27, 2010) (primary drafter)

Opening and Reply Briefs of Defendant-Appellant Coonrod, *Aguilar v. Coonrod*, No. 36980-2009 (Idaho S. Ct., filed June 4 and Aug. 13, 2010) (contributor)

Opening and Reply Briefs of Petitioner Avila-Canchola, *Avila-Canchola v. Holder*, No. 09-71353 (9th Cir., filed Dec. 17, 2009 and Apr. 5, 2010) (principal author)

Petition for Panel Rehearing of Federal Defendant-Appellee, *Jackson v. United States*, No. 06-4960 (3d Cir., filed July 11, 2008) (principal author)

Brief of Federal Defendant-Appellant, *Stewart v. Astrue*, No. 08-1386 (1st Cir., filed July 3, 2008) (principal author)

Brief of Federal Defendants-Appellants, *Hernandez-Carrera v. Carlson*, No. 08-3097 (10th Cir., filed June 11, 2008) (principal author)

Amicus Brief of the United States in Support of the San Francisco 49ers, *Sheehan v. The San Francisco 49ers, Ltd.*, No. S155742 (Cal. S. Ct., filed June 10, 2008) (principal author)

Brief of Federal Defendant-Appellee, *Adejumobi v. National Security Agency*, No. 08-10286 (11th Cir., filed Apr. 9, 2008) (principal author)

Brief of Federal Defendant-Appellee, *Swisher International, Inc. v. Schafer*, No. 07-15886 (11th Cir., filed Mar. 11, 2008) (principal author)

Petition for Rehearing *En Banc* of Federal Defendants-Appellees, *Nelson v. NASA*, No. 07-56424 (9th Cir., filed Feb. 25, 2008) (contributor)

Brief of Federal Defendants-Appellees, *Tooley v. Bush*, No. 07-5080 (D.C. Cir., filed Feb. 19, 2008) (principal author)

Brief of Federal Respondent, *Flamingo Express v. Federal Aviation Administration*, No. 07-4226 (6th Cir., filed Feb. 14, 2008) (principal author)

Opening and Reply Briefs of Federal Defendants-Appellants, *Citizens for Responsibility and Ethics in Washington v. Department of Homeland Security*, No. 07-5406 (D.C. Cir., filed Jan. 28 and Mar. 14, 2008) (contributor)

Brief of Federal Respondent in Opposition to Petition for Certiorari, *Shirley v. United States*, No. 07-501 (S. Ct., filed Jan. 17, 2008) (principal author)

Brief of Federal Defendants-Appellees, *Ipharmacy.md v. Mukasey*, No. 07-13283 (11th Cir., filed Dec. 12, 2007) (principal author)

Brief of Federal Defendant, *Van Der Hule v. Mukasey*, No. 07-576 (Mt. S. Ct., filed Dec. 10, 2007) (principal author)

Brief of Federal Defendant-Appellee, *Downs v. United States*, No. 07-11827-EE (11th Cir., filed Nov. 26, 2007) (principal author)

Opening and Reply Briefs of Federal Appellee/Cross-Appellant, *United States v. Philip Morris*, Nos. 06-5267+ (D.C. Cir., filed Nov. 19, 2007 and Apr. 14, 2008) (contributor)

Brief of Federal Defendants-Appellees, *PSA, LLC v. Keisler*, No. 07-2554 (3d Cir., filed Oct. 23, 2007) (principal author)

Brief of Respondent Kirkendall in Opposition of Petition for Certiorari, *Department of Navy v. Kirkendall*, No. 07-19 (S. Ct., filed Sept. 5, 2007) (contributor)

Brief of Defendant-Petitioner United Parcel Service, Inc., *Hobider v. United Parcel Service, Inc.*, No. 07-8038 (3d Cir., filed July 30, 2007) (contributor)