

RONALD M. LEVIN
William R. Orthwein Distinguished Professor of Law
Washington University in St. Louis

Mail Address:

Washington University School of Law
Campus Box 1120
One Brookings Drive
St. Louis, Missouri 63130

Courier Delivery Address:

Washington University School of Law
Anheuser-Busch Hall
One Brookings Drive
St. Louis, Missouri 63130

Phone: (314) 935-6490 Mobile: (314) 882-3039
E-mail: rlevin@wustl.edu

EDUCATION

- J.D.** University of Chicago, 1975. Article and Book Review Editor, *University of Chicago Law Review*.
- B.A.** Yale University, 1972, *magna cum laude*, with honors in political science.

EMPLOYMENT

William R. Orthwein Distinguished Professor of Law, Washington University in St. Louis.
(Assistant Professor, 1979-80; Associate Professor, 1980-85; Professor, 1985-2000; Henry Hitchcock Professor, 2000-10; William R. Orthwein Distinguished Professor, as of 2010.)

Current courses: Administrative Law, Election Law, Civil Procedure, Immigration Law.
Past courses: Legislation, Supreme Court (seminar), Torts.

Associate, Sutherland, Asbill & Brennan, Washington, D.C., 1976-79.

Law Clerk to the Honorable John C. Godbold, Circuit Judge, U.S. Court of Appeals for the Fifth Circuit, Montgomery, Alabama, 1975-76.

SELECTED UNIVERSITY ACTIVITIES

Associate Dean (for academic affairs), School of Law, 1990-93.

Chair, Washington University Senate Council, 1988-90; Council Member, 1987-90.

Chair, Washington University Judicial Board, 1995-97.

Member, Washington University Committee to Prepare for the Twenty-First Century, 1989-92.

SELECTED PROFESSIONAL ACTIVITIES

Offices in Section of Administrative Law and Regulatory Practice, American Bar Association:

Section Chair, 2000-01.

Executive Committee Member, 1998-2002, 2014-present.

Council Member, 1986-89, 2014-present.

Reporter, Task Force on Lobbying Reform, 2009-11.

Co-Reporter for Judicial Review, ABA Project on the Administrative Law of the European Union, 2004-08.

Reporter, Committee on Congressional Process, 1993-95.

Chair, Judicial Review Committee, 1982-86, 1993-98.

Chair, Annual Award for Scholarship Committee, 1991-93.

Other offices, 1979-present.

Recipient of the 2011 Chair's Award for Outstanding Volunteer Service.

Other offices in American Bar Association:

Member, House of Delegates, 2014-present.

Chair, Task Force on Incorporation by Reference, 2016.

ABA Advisor to the Drafting Committee to Revise the Model State Administrative Procedure Act, sponsored by the Uniform Law Commission (formerly National Conference of Commissioners on Uniform State Laws), 2007-10.

Member, Standing Committee on Amicus Curiae Briefs, 2002-05.

Chair, Section Officers' Conference (SOC) Bylaws Revision Committee, 2001-02.

Member, SOC Committee on Amicus Curiae Briefs, 2000-02.

Offices in Administrative Conference of the United States:

Chair, Committee on Judicial Review, 2012-17.

Public Member, 2010-16; Senior Fellow, 2016-present.

Consultant, 1979-81, 1993-95, 2018-19.

Offices in Association of American Law Schools:

Chair, Section on Administrative Law, 1993; Chair, Section on Legislation, 1995.

Member of the American Law Institute, since January 2013.

Research Fellow, Weidenbaum Center on the Economy, Government, and Public Policy, Washington University, since 2017.

Consultant to the Supreme Court of Indonesia, 2002 (advising on judicial review of decisions of Indonesia Competition Commission).

Member, Advisory Board, ADMINISTRATIVE LAW EJOURNAL (Social Science Research Network), since 1997.

SELECTED PUBLICATIONS

BOOKS AND BOOK CHAPTERS:

STATE AND FEDERAL ADMINISTRATIVE LAW (5th ed. 2020) (with Michael Asimow) (with 2020 Supplement and Teacher's Manual).

ADMINISTRATIVE LAW AND PROCESS IN A NUTSHELL (6th ed. 2017) (with Jeffrey S. Lubbers).

Judicial Remedies, in ABA SECTION OF ADMINISTRATIVE LAW & REGULATORY PRACTICE, A GUIDE TO JUDICIAL AND POLITICAL REVIEW OF FEDERAL AGENCIES 251 (Michael E. Herz et al., eds., 2d ed. 2015). Same chapter in prior edition, at 205 (John F. Duffy & Michael Herz eds., 2005).

Judicial Review of Issues of Fact (with Jim Rossi), in ABA SECTION OF ADMINISTRATIVE LAW & REGULATORY PRACTICE, A GUIDE TO JUDICIAL AND POLITICAL REVIEW OF FEDERAL AGENCIES 173 (Michael E. Herz et al., eds., 2d ed. 2015).

STATE AND FEDERAL ADMINISTRATIVE LAW (4th ed. 2014) (with Michael Asimow) (with 2014, 2015, 2016, 2017, 2018, and 2019 Supplements and Teacher's Manual).

STATE AND FEDERAL ADMINISTRATIVE LAW (3d ed. 2009) (with Michael Asimow) (with 2010 and 2012 Supplements and Teacher's Manual).

Constitutional Issues Raised by the Lobbying Disclosure Act (with Elizabeth Garrett and Theodore W. Ruger), in THE LOBBYING MANUAL: A COMPLETE GUIDE TO FEDERAL LOBBYING LAW AND PRACTICE 197 (William V. Luneburg et al. eds., 4th ed. 2009). [Also contributed to earlier versions of this chapter in the 1993, 1998, and 2005 editions of the same manual.]

ADMINISTRATIVE LAW OF THE EUROPEAN UNION: JUDICIAL REVIEW (George Bermann et al. eds., 2008) (with Frank Emmert and Christoph T. Feddersen).

ADMINISTRATIVE LAW AND PROCESS IN A NUTSHELL (5th ed. 2006; 4th ed. 1997; 3d ed. 1990) (with Ernest Gellhorn). Translations of the third edition have been published in Japanese, GENDAI AMERIKA GYŌSEI HŌ (Keikichi Ohama & Takayoshi Tsuneoka trans. 1996) and Chinese, XINGZHENFA HE XINGZHEN CHENGXU GAIYAO (Huang Lie trans. 1996).

The Story of the Abbott Labs Trilogy: The Seeds of the Ripeness Doctrine, in ADMINISTRATIVE LAW STORIES 431 (Peter L. Strauss ed., 2006).

STATE AND FEDERAL ADMINISTRATIVE LAW (2d ed. 1998) (with Michael Asimow and Arthur Earl Bonfield) (with 2001, 2003, 2005, and 2007 Supplements and Teacher's Manual).

SCHOLARLY ARTICLES:

The Regulatory Accountability Act and the Future of APA Revision, 94 CHI.-KENT L. REV. 487 (2019).

Rulemaking and the Guidance Exemption, 70 ADMIN. L. REV. 263 (2018). The ABA Section of Administrative Law and Regulatory Practice selected this article to receive its 2019 Annual Award for Scholarship, designating it as the best work on administrative law published in 2018.

Making Sense of Issue Exhaustion in Rulemaking, 70 ADMIN. L. REV. 177 (2018).

Administrative Procedure and Judicial Restraint, 129 HARV. L. REV. F. 338 (2016).

The REINS Act: Unbridled Impediment to Regulation, 83 GEO. WASH. L. REV. 1446 (2015).

Administrative Judges and Agency Policy Development: The Koch Way, 22 WM. & MARY BILL RTS. J. 407 (2013).

Statutory Time Limits on Judicial Review of Rules: Verkuil Revisited, 32 CARDOZO L. REV. 2203 (2011).

Rulemaking Under the 2010 Model State Administrative Procedure Act, 20 WIDENER L.J. 855 (2011).

Hard Look Review, Policy Change, and Fox Television, 65 U. MIAMI L. REV. 555 (2011).

Statutory Reform of the Administrative Process: The American Experience and the Role of the Bar, 83 WASH. U.L.Q. 1875 (2005). Also published in Japanese translation as *Gyosei-Tetsuzukiho-Kaikaku*, 2005-1 AMERIKAHO 1 (2005) (Mari Kotani trans.).

The Administrative Law Legacy of Kenneth Culp Davis, 42 SAN DIEGO L. REV. 315 (2005). Also published in Chinese translation as *Dai wei si jiao shou de xing zheng fa yi chan*, in KENNISI KAERBU DAIWEISI, CAI LIAN ZHEN YI [KENNETH CULP DAVIS, DISCRETIONARY JUSTICE: A PRELIMINARY INQUIRY] 267 (Honghai Bi trans., Shanwu yinsua guan [The Commercial Press] 2009) (1969).

The Case for (Finally) Fixing the APA's Definition of "Rule," 56 ADMIN. L. REV. 1077 (2004).

"Vacation" at Sea: Judicial Remedies and Equitable Discretion in Administrative Law, 53 DUKE L.J. 291 (2003).

Mead and the Prospective Exercise of Discretion, 54 ADMIN. L. REV. 771 (2002).

Regulatory Improvement Legislation: Risk Assessment, Cost-Benefit Analysis, and Judicial Review, 11 DUKE ENVTL. L. & POL'Y F. 89 (2000) (with multiple co-authors).

Thoughts and Heresies on Teaching Administrative Law, 38 BRANDEIS L.J. 259 (2000) (with Michael Asimow).

More on Direct Final Rulemaking: Streamlining, Not Corner-Cutting, 51 ADMIN. L. REV. 757 (1999).

The Year in Judicial Review, 1997-1998, 51 ADMIN. L. REV. 389 (1999).

The Anatomy of Chevron: Step Two Reconsidered, 72 CHI.-KENT L. REV. 1253 (1997).

Congressional Ethics and Constituent Advocacy in an Age of Mistrust, 95 MICH. L. REV. 1 (1996).

Administrative Law Legislation in 1946 and 1996: Should We Be Jubilant at This Jubilee?, 10 ADMIN. L.J. AM. U. 55 (1996).

Scope of Review Legislation: The Lessons of 1995, 31 WAKE FOREST L. REV. 647 (1996).

Direct Final Rulemaking, 64 GEO. WASH. L. REV. 1 (1995).

Judicial Review and the Uncertain Appeal of Certainty on Appeal, 44 DUKE L.J. 1081 (1995).

Nonlegislative Rules and the Administrative Open Mind, 41 DUKE L.J. 1497 (1992).

Understanding Unreviewability in Administrative Law, 74 MINN. L. REV. 689 (1990). Also excerpted in ADMINISTRATIVE LAW ANTHOLOGY (Thomas O. Sargentich ed. 1994).

Administrative Discretion, Judicial Review, and the Gloomy World of Judge Smith, 1986 DUKE L.J. 258.

Scope-of-Review Doctrine Restated: An Administrative Law Section Report, 38 ADMIN. L. REV. 239 (1986).

Identifying Questions of Law in Administrative Law, 74 GEO. L.J. 1 (1985).

Federal Scope-of-Review Standards: A Preliminary Restatement, 37 ADMIN. L. REV. 95 (1985).

Review of "Jurisdictional" Issues Under the Bumpers Amendment, 1983 DUKE L.J. 355.

Judicial Review and the Bumpers Amendment, 1979 RECOMS. & REPS. OF THE ADMIN. CONF. OF THE U.S. 565 (consultant's report supporting ACUS Recommendation 79-6).

In Defense of Deference: Judicial Review of Agency Action, 31 ADMIN. L. REV. 329 (1979) (with David R. Woodward).

Boycotts and the McCarran-Ferguson Act: Some Observations about Barry, 46 ANTITRUST L.J. 1087 (1978) (with Francis M. Gregory, Jr.).

The Section 1983 Municipal Immunity Doctrine, 65 GEO. L.J. 1483 (1977).

Comment, *In Camera Inspections Under the Freedom of Information Act*, 41 U. CHI. L. REV. 557 (1974).

SHORT ARTICLES, PUBLISHED LECTURES, REPORTS, ETC.:

Universal Remedies, Section 706, and the APA, YALE J. ON REG.: NOTICE & COMMENT, July 19, 2020 (with Mila Sohoni), <https://www.yalejreg.com/nc/universal-remedies-section-706-and-the-apa-by-ronald-m-levin-mila-sohoni/>.

Interpretive Rules in Practice, REG. REVIEW, Oct. 30, 2019 (with Blake Emerson), <https://www.theregreview.org/2019/10/30/emerson-levin-interpretive-rules-practice/>.

Symposium: Auer deference — Supreme Court chooses evolution, not revolution, SCOTUSblog, June 27, 2019, <https://www.scotusblog.com/2019/06/symposium-auer-deference-supreme-court-chooses-evolution-not-revolution/>.

The Binding Effect of Interpretive Rules, YALE J. ON REG.: NOTICE & COMMENT, May 9, 2019, <https://www.yalejreg.com/topic/symposium-on-federal-agency-guidance-and-the-power-to-bind/>.

Agency Guidance Through Interpretive Rules: Research and Analysis (with Blake Emerson) (May 28, 2019) (consultants' report to the Administrative Conference of the United States), <https://www.acus.gov/publication/agency-guidance-through-interpretive-rules-final-report>.

Brief of Administrative Law Scholars in Support of Affirmance, *Kisor v. Wilkie*, 139 S. Ct. 2400 (2019) (coauthor of brief amicus curiae submitted on behalf of six administrative law professors).

The National Injunction and the Administrative Procedure Act, REG. REV., Sept. 18, 2018, <https://www.theregreview.org/2018/09/18/levin-national-injunction-administrative-procedure-act/>.

Unifying the APA Exemptions for Policy Statements and Interpretive Rules, ADMIN. & REG. L. NEWS, Wint. 2018, at 4.

The Regulatory Accountability Act and the Obsolescence of Formal Rulemaking, REG. REV., Aug. 21, 2017, <https://www.theregreview.org/2017/08/21/levin-regulatory-accountability-act-formal-rulemaking/>.

APA Rulemaking Revision, Continued, YALE J. ON REG.: NOTICE & COMMENT (Dec. 21, 2016), <http://yalejreg.com/nc/apa-rulemaking-revision-continued-by-ronald-m-levin/>.

Auer and the Incentives Issue, YALE J. ON REG.: NOTICE & COMMENT (Sept. 19, 2016), <http://yalejreg.com/nc/auer-and-the-incentives-issue-by-ronald-m-levin/>.

ABA Adopts Incorporation by Reference Resolution, ADMIN. L. & REG. NEWS, Fall 2016, at 8.

Afterword: Peter Strauss and the Administrative Law Section, 67 ADMIN. L. REV. 385 (2015).

Congress Considers Creating Independent Commission for Retrospective Rule Review, ADMIN. & REG. L. NEWS, Spring 2014, at 7.

An Independent Commission Should Suggest, Not Determine, Rule Rescissions, REGBLOG, May 23, 2014.

Our History: Told By You -- Ronald Levin, ADMIN. FIX BLOG, Mar. 19, 2014.

Comments on H.R. 3010, The Regulatory Accountability Act of 2011 (comment letter of the ABA Section of Administrative Law and Regulatory Practice, of which I was the draftsman), 64 ADMIN. L. REV. 619 (2012).

Lobbying Law in the Spotlight: Challenges and Proposed Improvements (Report of the ABA Task Force on Federal Lobbying Laws, for which I was the reporter), 63 ADMIN. L. REV. 419 (2011).

Administrative Law Pragmatism, 37 WASH. U. J.L. & POL'Y 227 (2011).

Rulemaking Under the 2010 Revised Model State Administrative Procedure Act, ADMIN. & REG. L. NEWS, Winter 2011, at 4.

In Memoriam: Ernest Gellhorn, 1935-2005, 57 ADMIN. L. REV. i (Summer 2005).

Four Stories of Administrative Law Reform, 62 L. REV. OSAKA U. ECON. & L. 1 (March 2005) (in Japanese translation).

Reform of Judicial Review in Japan: An American Perspective, CDAMS Discussion Paper 04/26E, Kobe University, Nov. 2004, www.lib.kobe-u.ac.jp/repository/80100048.pdf

Interstate Compacts and Administrative Procedure, ADMIN. & REG. L. NEWS, Wint. 2004, at 7.

Preface to ABA Section of Admin. Law & Reg. Practice, A Blackletter Statement of Federal Administrative Law, 54 ADMIN. L. REV. 1 (2002) (also actively participated in drafting of text).

Fighting the Appearance of Corruption, 6 WASH. U.J.L. & POL'Y 171 (2001).

“Chair’s Message” newsletter columns:

One Last Haul, via American Trucking, ADMIN. & REG. L. NEWS, Summer 2001, at 2.

Nonpartisan in Action, ADMIN. & REG. L. NEWS, Winter 2001, at 2.

No Longer Young, but Not Yet Gray, ADMIN. & REG. L. NEWS, Fall 2000, at 2.

Focus on Streamlining Rulemaking Process, NAT’L L.J., July 10, 2000.

Judicial Review of Procedural Compliance, 48 ADMIN. L. REV. 359 (1996).

“*Vacation*” at Sea: *Judicial Remands and the APA*, ADMIN. & REG. L. NEWS, Spring 1996, at 4. Also reprinted in ADLAW BULL. (P&F), Apr. 2, 1996, at 1.

Preventive Medicine, 47 ADMIN. L. REV. 377 (1995).

A Master Craftsman Leaves the Bench, ST. LOUIS POST-DISPATCH, July 25, 1990.

Judicial Review of Administrative Action in a Conservative Era (panel discussion), 39 ADMIN. L. REV. 353 (1987).

The Bumpers Amendment: Jawboning the Judges, 2 WASH. U. L.S. MAG. 7 (1980).

SELECTED PROGRAMS AND PRESENTATIONS

Discussant, “Judicial Review After *Kisor* and the Census Case,” Center for the Study of the Administrative State, George Mason University, October 2020.

Discussant, “Nationwide Injunctions and Federal Regulatory Programs,” ACUS Forum, February 2020.

Speaker, “Administrative Law Perspectives Beyond the Liberal/Conservative Divide,” AALS Section on Administrative Law, January 2020.

Speaker, “Modernizing the Administrative Procedure Act,” U.S. Department of Justice Summit, December 2019, <https://www.justice.gov/opa/video/summit-modernizing-administrative-procedure-act-apa-part-2>.

Moderator, “Ethical Government Lawyering,” ABA Section of Administrative Law and Regulatory Practice, November 2019.

Podcast Speaker, “Kisor v. Wilkie: A Case to Watch,” National Constitution Center, May 2019, <https://constitutioncenter.org/debate/podcasts/kisor-v-wilkie-a-case-to-watch>.

Teleconference Speaker, “The Future of Seminole Rock Deference? Analyzing the Oral Argument in Kisor v. Wilkie,” ABA Section of Administrative Law and Regulatory Practice, April 2019.

Speaker, “The Trump Administration and Administrative Law,” Chicago-Kent Law Review Symposium, November 2018.

Teleconference Speaker, “*Gundy v. United States*: Does the federal sex offender registration law offend nondelegation principles?,” ABA Section of Administrative Law and Regulatory Practice, Judicial Review Committee, October 2018.

Speaker, “Can an Intelligible Distinction Between Legislative Rules and Guidance be Articulated?,” District of Columbia Bar, April 2018.

Teleconference Speaker, “The Congressional Review Act: Recent Use, Legal Issues, and Related Proposals,” ABA Section of Administrative Law and Regulatory Practice, March 2018.

Speaker, “Beyond Deference: Emerging Issues in Judicial Review of Agency Action,” Center for the Study of the Administrative State, George Mason University, December 2017.

Panelist, “Federal Agency Guidance: Its Role in Agency Operations, Industry Compliance, and Litigation,” ABA Section of Administrative Law and Regulatory Practice, October 2017.

Discussant, “Beyond Deference: Judicial Review and Agency Accountability,” Center for the Study of the Administrative State, George Mason University, September 2017.

Participant, “Reflections on Executive Power and Administrative Law,” University of Wisconsin Law School, April 2017.

Speaker, “Rulemaking and the Guidance Exemption,” Arizona State University College of Law, March 2017.

Teleconference Speaker, “Rulemaking in the Trump Administration,” ABA Section of Administrative Law and Regulatory Practice, Rulemaking Committee, February 2017.

Hearing Witness, “Hearing on H.R. 4768, the ‘Separation of Powers Restoration Act of 2016,’” Subcomm. on Regulatory Reform, Commercial and Antitrust Law, Committee on the Judiciary, U.S. House of Representatives, May 17, 2016.

Panelist, “Making Rulemaking Better and the Disagreements About What That Means,” ABA Section of Administrative Law and Regulatory Practice, October 2015.

Panelist, “The Bounds of Executive Discretion in the Regulatory State,” Penn Program on Regulation and University of Pennsylvania Law Review, October 2015.

Hearing Witness, “Examining the Proper Role of Judicial Review in the Federal Regulatory Process,” Subcommittee on Regulatory Affairs and Federal Management, Committee on Homeland Security and Governmental Affairs, U.S. Senate, April 2015.

Hearing Witness, “Hearing on H.R. _____, the ‘Searching for and Cutting Regulations that are Unnecessarily Burdensome Act of 2014,’” Subcomm. on Regulatory Reform, Commercial and Antitrust Law, Committee on the Judiciary, U.S. House of Representatives, February 2014.

Hearing Witness, “H.R. 2122: The Regulatory Accountability Act of 2013,” Subcomm. on Regulatory Reform, Commercial and Antitrust Law, Committee on the Judiciary, U.S. House of Representatives, July 2013.

Hearing Witness, “REINS Act of 2013: Promoting Jobs, Growth and American Competitiveness,” Subcomm. on Regulatory Reform, Commercial and Antitrust Law, Committee on the Judiciary, U.S. House of Representatives, March 2013.

Participant, “The Professor Charles H. Koch, Jr., Memorial Symposium on Administrative Law,” William and Mary School of Law, March 2013.

Panelist, “Congress and the Modern Administrative State,” Association of American Law Schools Annual Meeting, January 2013.

Panelist, “Citizens United: SuperPACs, Free Speech, Money and Influence in Elections and the Impact on Democracy,” Annual Meeting of the Missouri Bar, October 2012.

Workshop Participant, “Is Administrative Law Unlawful?,” Columbia Law School, October 2012.

Hearing Witness, “Clearing the Way for Jobs and Growth: Retrospective Review to Reduce Red Tape and Regulations,” Subcomm. on Courts, Commercial and Administrative Law, Committee on the Judiciary, U.S. House of Representatives, July 2012.

Panelist, “Current Proposals for Regulatory Reform,” Annual Practice Institute, ABA Section of Administrative Law and Regulatory Practice, May 2012.

Workshop Participant, “The Administrative Law of Dodd-Frank,” Case Western Reserve University School of Law, April 2012.

Speaker, “Interbranch Control of Regulation: Executive, Legislative, and Judicial Influence, and Agency Response,” Administrative Law Review Symposium, February 2012.

Teleforum Speaker, “The Regulatory Accountability Act,” Administrative Law and Regulation Practice Group, The Federalist Society, February 2012.

Speaker, “Judicial Review of Agency Action in U.S. Law: Traditions and New Developments,” International Workshop on Amendment of the Administrative Litigation Law, Shanghai, China, December 2011.

Panelist, “Judicial Review in the Roberts Era,” ABA Section of Administrative Law and Regulatory Practice, November 2011.

Speaker, “Lobbying Law in the Spotlight,” Weidenbaum Center on the Economy, Government, and Public Policy, Washington University, September 2011.

Hearing Witness, “Reforming FCC Process,” Subcomm. on Communications and Technology, Committee on Energy and Commerce, U.S. House of Representatives, June 2011.

Panelist, “The Constitutionality of the Dodd-Frank Financial Services Reform Act,” National Lawyers Convention, Federalist Society, November 2010.

Speaker, “Modernizing Agency Practice: The 2010 Model State Administrative Procedure Act,” Widener University School of Law, November 2010.

Panelist, “The 2010 Model State Administrative Procedure Act: Modernization and Reform,” ABA Section of Administrative Law and Regulatory Practice, November 2010.

Speaker, “Statutory Preclusion in Administrative Law: Verkuil Revisited,” Festschrift in Honor of Paul Verkuil, Cardozo Law School, October 2010.

Moderator, “How Appealing?: Bench and Bar Perspectives on Review of Administrative Cases,” National Conference on the Administrative Law Judiciary, ABA Judicial Division, August 2010.

Moderator, “Formal and Hybrid Rulemaking: Time to Bury or Time to Revive?,” Annual Practice Institute, ABA Section of Administrative Law and Regulatory Practice, June 2010.

Speaker, “What Change Will Come: The Obama Administration and the Future of the Administrative State,” University of Miami Law Review Symposium, January 2010.

Speaker, “The State of Judicial Review 25 Years After *Chevron U.S.A. v. Natural Resources Defense Council*,” Administrative Law Review Symposium, April 2009.

Speaker, “The Bailout Bill and the Rule of Law,” American University-Washington College of Law, November 2008.

Panelist, “Administrative Law in the European Union: Lessons for Americans?,” Law and Society Association Annual Meeting, July 2007.

Panelist, “Judicial Review of Agency Letters — Has *Automatic Laundry* Been Hung Out to Dry?,” ABA Section of Administrative Law and Regulatory Practice, November 2005.

Panelist, “Introduction to EU Judicial Review,” EU Administrative Law Symposium, ABA Section of Administrative Law and Regulatory Practice, November 2005.

Panelist, “Originalism and the Administrative Procedure Act,” National Lawyers Convention, Federalist Society, November 2005.

Moderator, “State Administrative Law Themes for the Twenty-First Century,” ABA Section of Administrative Law and Regulatory Practice, April 2005.

Presenter, “Direct Final Rules and Interim Final Rules,” Conference on the State of Rulemaking in the Federal Government, Center for the Study of Rulemaking, American University, March 2005.

Commentator, “Judicial Remedies for Unlawful Agency Action,” ABA Section of Administrative Law and Regulatory Practice, October 2004.

Speaker and commentator, “Administrative Law Reform in the United States and Japan,” Japanese American Society for Legal Studies; Japan Federation of Bar Associations; and Kobe University, September 2004.

Panelist, “Should the APA Be Amended?,” Southeastern Association of Law Schools, Kiawah Island, S.C., August 2004.

Participant, Third Administrative Law Discussion Forum, University of San Diego, School of Law, May 2004.

Commentator, “Administrative Law Meets Health Law: Inextricable Pairing or Marriage of Convenience?,” St. Louis University School of Law, March 2004.

Panelist, “Administrative Procedure and Interstate Compacts,” ABA Section of Administrative Law and Regulatory Practice, November 2003.

Presenter, “Agencies and Economic Justice,” Institute for Law and Economic Policy, April 2003.

Moderator, “Bi-partisan Campaign Finance Reform Act,” ABA Section of Administrative Law and Regulatory Practice, October 2002.

Participant, Discussion Forum on Nonlegislative Rules and Executive Oversight, Brandeis School of Law, University of Louisville, November 2001.

Panelist, "Regulations versus Guidances: An Administrative Law Perspective," ABA Section of Environment, Energy, and Resources, September 2001.

Hearing Witness, "The Foreign Narcotics Kingpin Designation Act of 1999," [U.S.] Judicial Review Commission on Foreign Asset Control, November 2000.

Participant, Discussion Forum on Teaching Administrative Law, Brandeis School of Law, University of Louisville, November 1999.

Panelist, "Congressional Abdication and its Legal Limits, If Any," St. Louis University School of Law, October 1999.

Workshop Participant, "Risk Analysis and Judicial Review," Harvard Center for Risk Analysis, December 1998.

Panelist, "Agency Rationales and Rationalizations: Judicial Review of Agency Litigating Positions," National Lawyers Convention, Federalist Society, November 1998.

Panelist, "Judicial Review Developments, 1997-98," ABA Section of Administrative Law and Regulatory Practice, October 1998.

Panelist, "Judicial Review Developments, 1995-96," ABA Section of Administrative Law and Regulatory Practice, October 1996.

Panelist, "Administrative Law Implications of *Smiley v. Citibank*," ABA Section of Business Law, August 1996.

Program Chair and Moderator, "Legislative History, The New Textualism, and the New Congress," Association of American Law Schools, January 1996.

Panelist, "Regulatory Reform on the Fiftieth Anniversary of the Administrative Procedure Act," ABA Section of Administrative Law and Regulatory Practice, October 1995.

Panelist, "Expedited Hearing Developments: Are They Fair?," American Bar Association, August 1995.

Panelist, "Current Regulatory Reform Proposals," ABA Section of Administrative Law and Regulatory Practice, May 1995.

Panelist, "Lobbying the New Congress," ABA Section of Administrative Law and Regulatory Practice, February 1995.

Moderator, "Campaign Finance: Twenty Years of Reform?," Association of American Law Schools, January 1995.

Lecturer and Moderator, “Administrative Law Issues in Health Care Reform,” Seventh Annual Seminar for Congressional Staff, Administrative Conference of the United States, May 1994.

Moderator, “Living With *Chevron*,” Association of American Law Schools, January 1994.

Panelist, “The President’s Executive Order on Civil Justice Reform,” ABA Section of Administrative Law and Regulatory Practice, February 1992.

Lecturer, “Judicial Review of Negotiated Rules,” ABA Section of Natural Resources, Energy and Environmental Law, November 1991.

Moderator, “The Bill of Rights -- The Next 200 Years,” American Jewish Congress, September 1991.

Program Chair and Panelist, “Recent Developments in Administrative Law,” ABA Section of Administrative Law and Regulatory Practice, October 1990.

Panelist, “Agency Delay in Informal Rulemaking,” ABA Section of Administrative Law, August 1988.

Lecturer, “Judicial Review of Administrative Actions,” Seminar for Newly Appointed Federal Appellate Judges, Federal Judicial Center, September 1987.

Program Chair and Moderator, “Judicial Review of Administrative Action in a Conservative Era,” ABA Section of Administrative Law, October 1986.

Lecturer, “The Prima Facie Case Under Section 1983,” ABA National Institute on Civil Rights Liability, June 1981.

BAR MEMBERSHIPS

Admitted in Missouri, 1975; U.S. Court of Appeals for the Fifth Circuit, 1976; District of Columbia, 1977; Supreme Court of the United States, 2004.