

## **ANNE JOSEPH O'CONNELL**

University of California, Berkeley, School of Law, 888 Simon Hall, Berkeley, CA 94720-7200  
(510) 643-9393 (office); aoconnell@law.berkeley.edu

### **ACADEMIC APPOINTMENTS**

#### **School of Law, University of California, Berkeley**

*George Johnson Professor of Law* (July 2014-present)

*Associate Dean for Faculty Development and Research* (April 2013-July 2015)

*Professor of Law* (July 2010-July 2014); *Assistant Professor* (July 2004-July 2010)

*Affiliated Faculty* (Berkeley Center for Law, Business and the Economy; Jurisprudence and Social Policy)

Teach Administrative Law, Advanced Administrative Law, Civil Procedure, E-Discovery, and the Public Law and Policy Workshop. Areas of research include political appointees, bureaucratic organization (and reorganization), agency decisions in emergencies, political changes in agency rulemaking, quasi-agencies, and congressional oversight of agencies.

#### **Harvard Law School**

*Visiting Assistant Professor of Law* (Spring 2010)

#### **Columbia Law School**

*Samuel Rabin Visiting Professor of Law* (Fall 2009)

#### **Department of Political Science, University of California, Berkeley**

*Lecturer* (Spring 2006)

Taught graduate seminar, "Selected Topics in American Government: Politics, Economics, and Law of Administrative Agencies."

#### **John F. Kennedy School of Government, Harvard University**

*Economics Instructor and Coordinator, Summer Program* (Instructor, 1995-1998; Coordinator, 1997-1998)

Taught intensive five-week required course in microeconomics for incoming mid-career Master of Public Administration students. Designed own syllabus, reading packet, lectures, problem sets, and examinations. As Coordinator, hired and supervised team of instructors for the summer economics program.

### **EDUCATION**

#### **Harvard University, Ph.D., Political Economy and Government**

Dissertation: *Political Appointees and Auditors of Politics: Essays on Oversight of the American Bureaucracy*

Committee: Christopher Avery, Gary King, Kenneth Shepsle

All Coursework in Economics and Government Departments, Graduate School of Arts and Sciences

Passed General Examinations in Microeconomic and Macroeconomic Theory, Economics Department

#### **Yale Law School, J.D.**

#### **Cambridge University, M.Phil., History and Philosophy of Science**

Dissertation: *Murder Hunts, Traces, and the Construction of Identity: An Examination of Genetic Profiling*

Advisor: Alison Winter

#### **Williams College, B.A., magna cum laude, Mathematics (with honors)**

### **OTHER PROFESSIONAL APPOINTMENTS**

#### **Administrative Conference of the United States**

*Public Member* (appointed by Chairman, placed on Administration and Management Committee) (August 2014-present)

#### **U.S. Supreme Court**

*Law Clerk, Chambers of Justice Ruth Bader Ginsburg* (July 2003-July 2004)

**Federal Programs Branch, Civil Division, U.S. Department of Justice**  
*Trial Attorney* (October 2001-July 2003)

**U.S. Court of Appeals for the District of Columbia Circuit**  
*Law Clerk, Chambers of Judge Stephen F. Williams* (August 2000-August 2001)

**Office of Legal Counsel, U.S. Department of Justice**  
*Law Intern* (paid) (Summer 2000)

**Wilmer, Cutler & Pickering** (Washington, D.C. office)  
*Summer Associate* (Summer 1999, split) (permanent offer extended)

**Anticompetitive Practices Division, Bureau of Competition, Federal Trade Commission**  
*Legal Assistant* (paid) (Summer 1999, split) (permanent offer extended)

**Quincy House, Harvard University**  
*Resident Tutor in Economics and Public Policy* (Summer 1996-Summer 1998)

**Office of the General Counsel, U.S. Department of Defense**  
*Law Clerk* (paid) (Summer 1996)

## PUBLICATIONS

George A. Krause & Anne Joseph O'Connell, *Experiential Learning and Presidential Management of the U.S. Federal Bureaucracy: Logic and Evidence from Agency Leadership Appointments*, AMERICAN JOURNAL OF POLITICAL SCIENCE (forthcoming), pre-print available at: <http://onlinelibrary.wiley.com/doi/10.1111/ajps.12232/full>.

Abbe R. Gluck, Anne Joseph O'Connell, & Rosa Po, *Unorthodox Lawmaking, Unorthodox Rulemaking*, 115 COLUMBIA LAW REVIEW 1789 (2015).

Anne Joseph O'Connell, *Shortening Agency and Judicial Vacancies through Filibuster Reform? An Examination of Confirmation Rates and Delays from 1981 to 2014*, 64 DUKE LAW JOURNAL 1645 (2015) (reviewed by Richard Pierce on JOTWELL (July 2015): <http://adlaw.jotwell.com/the-reasons-for-failures-and-delays-in-confirming-nominees-are-more-complicated-than-we-think/>).

Daniel A. Farber & Anne Joseph O'Connell, *The Lost World of Administrative Law*, 92 TEXAS LAW REVIEW 1137(2014) (winner of the American Constitution Society's Richard D. Cudahy Writing Competition on Regulatory and Administrative Law for 2014; motivating piece for AALS Administrative Law Section's panel, *Not Your Parents' Administrative Law Class*, January 2015).

Anne Joseph O'Connell, *Bureaucracy at the Boundary*, 162 UNIVERSITY OF PENNSYLVANIA LAW REVIEW 841 (2014) (recipient of the American Bar Association's Scholarship Award in Administrative Law for the best article or book published in 2014; reviewed by Christopher Walker on JOTWELL (October 2015): <http://adlaw.jotwell.com/fringe-administrative-law/>).

Anne Joseph O'Connell, *Agency Rulemaking and Political Transitions*, 105 NORTHWESTERN UNIVERSITY LAW REVIEW 471 (2011) (cited by Ninth Circuit dissent).

DANIEL A. FARBER & ANNE JOSEPH O'CONNELL (editors), RESEARCH HANDBOOK ON PUBLIC CHOICE AND PUBLIC LAW (Edward Elgar Publishing, 2010).

Anne Joseph O'Connell, *Vacant Offices: Delays in Staffing Top Agency Positions*, 82 SOUTHERN CALIFORNIA LAW REVIEW 913 (2009) (recipient of the American Bar Association's Scholarship Award in Administrative Law for the best article or book published in 2009; cited by the Supreme Court in *NLRB v. Noel Canning* (2014) with brief summary of one empirical finding; results discussed in congressional debate and witness testimony as well as cited extensively in Senate committee report on the Presidential Appointment Efficiency and Streamlining Act of 2011 (S. 679), an enacted law that cuts the number of Senate-confirmed appointments).

Jacob E. Gersen & Anne Joseph O'Connell, *Hiding in Plain Sight?: Timing and Transparency in the Administrative State*, 76 UNIVERSITY OF CHICAGO LAW REVIEW 1157 (2009) (cited by Ninth Circuit dissent).

Anne Joseph O'Connell, *Intelligent Oversight*, in *THE DAY THAT CHANGED EVERYTHING?* (Matthew Morgan ed., Palgrave Macmillan, 2009).

Anne Joseph O'Connell, *Political Cycles of Rulemaking: An Empirical Portrait of the Modern Administrative State*, 94 VIRGINIA LAW REVIEW 889 (2008) (winner of the Association of American Law Schools' 2007-2008 Scholarly Papers Competition for faculty members with fewer than five years of law teaching; cited in primary Civil Procedure and Administrative Law treatises and merits brief at the Supreme Court; provided foundation for graphic in *Washington Post*).

Jacob E. Gersen & Anne Joseph O'Connell, *Deadlines in Administrative Law*, 156 UNIVERSITY OF PENNSYLVANIA LAW REVIEW 923 (2008) (cited in primary Administrative Law treatise).

Anne Joseph O'Connell, *The Architecture of Smart Intelligence: Structuring and Overseeing Agencies in the Post-9/11 World*, 94 CALIFORNIA LAW REVIEW 1655 (2006).

Anne M. Joseph, *Anthropometry, the Police Expert, and the Deptford Murders: The Contested Introduction of Fingerprinting for the Identification of Criminals in Late Victorian and Edwardian Britain*, in *DOCUMENTING INDIVIDUAL IDENTITY: THE DEVELOPMENT OF STATE PRACTICES IN THE MODERN WORLD* 164 (Jane Caplan & John Torpey eds., Princeton University Press, 2001).

Gary King, James Honaker, Anne Joseph, & Kenneth Scheve, *Analyzing Incomplete Political Science Data: An Alternative Algorithm for Multiple Imputation*, 95 AMERICAN POLITICAL SCIENCE REVIEW 49 (2001) (over 1690 citations on Google Scholar).

Anne Joseph & Alison Winter, *Making the Match: Human Traces, Forensic Experts and the Public Imagination*, in *CULTURAL BABBAGE: TECHNOLOGY, TIME AND INVENTION* 193 (Francis Spufford & Jenny Uglow eds., Faber & Faber, 1996).

Anne Joseph, *The Isomorphism Problem for Cayley Digraphs on Groups of Prime-Squared Order*, 141 DISCRETE MATHEMATICS 173 (1995).

Colin C. Adams, Jeffrey F. Brock, John Bugbee, Timothy D. Comar, Keith A. Faigin, Amy M. Houston, Anne M. Joseph, & David Pesikoff, *Almost Alternating Links*, 46 TOPOLOGY & ITS APPLICATIONS 151 (1992).

### SHORTER WORKS

Anne Joseph O'Connell, *Disclosure about Disclosure*, JOTWELL (May 2016) (on-line) (reviewing Margaret B. Kwoka, *FOIA, Inc.*, 65 DUKE LAW JOURNAL (forthcoming)), available at: <http://adlaw.jotwell.com/disclosure-about-disclosure/>.

Anne Joseph O'Connell & Eric Talley, *Foreword*, 12 JOURNAL OF EMPIRICAL LEGAL STUDIES 601 (2015).

Anne Joseph O'Connell, *Privileged Delegations*, JOTWELL (February 2015) (on-line) (reviewing Mila Sohoni, *The Power to Privilege*, 163 UNIVERSITY OF PENNSYLVANIA LAW REVIEW 487 (2015)), available at: <http://adlaw.jotwell.com/privileged-delegations/>.

Anne Joseph O'Connell, *Five Myths about Presidential Appointments*, WASHINGTON POST (July 21, 2013, print edition) (invited), available at: <http://wpo.st/8vkm0>.

Anne Joseph O'Connell, *Public Agencies Going Private*, JOTWELL (June 2013) (on-line) (reviewing Jon Michaels, *Privatization's Progeny*, 101 GEORGETOWN LAW JOURNAL 1023(2013)), available at: <http://adlaw.jotwell.com/public-agencies-going-private/>.

James P. Pfiffner, Dwight Ink, David E. Lewis, & Anne O'Connell, *Strong Executive Leadership Crucial for Policy Implementation*, THE PUBLIC MANAGER, at 37 (Winter 2012).

James P. Pfiffner, Dwight Ink, David E. Lewis, & Anne O'Connell, *Strengthening Administrative Leadership: Fixing the Appointments Process* (National Academy of Public Administration's Memos to National Leaders Series, 2012).

Anne Joseph O'Connell, *State Interpreters*, JOTWELL (March 2012) (on-line) (reviewing Abbe R. Gluck, *Intrastatutory Federalism and Statutory Interpretation: State Implementation of Federal Law in Health Reform and Beyond*, 121 YALE LAW JOURNAL 534 (2011)), available at: <http://adlaw.jotwell.com/state-interpreters/>.

Anne Joseph O'Connell, *Agency Rulemaking and Political Transitions*, Legal Workshop (June 2011) (on-line) (shorter version of *Agency Rulemaking and Political Transitions*, 105 NORTHWESTERN UNIVERSITY LAW REVIEW 471 (2011)).

Anne Joseph O'Connell, *Regulating Constitutional Law*, JOTWELL (October 2010) (on-line) (reviewing Sophia Z. Lee, *Race, Sex, and Rulemaking: Constitutionalism and the Workplace, 1960 to the Present*, 96 VIRGINIA LAW REVIEW 799 (2010)), available at: <http://adlaw.jotwell.com/regulating-constitutional-law/>.

Jacob E. Gersen & Anne Joseph O'Connell, *Hiding in Plain Sight?: Timing and Transparency in the Administrative State*, Legal Workshop (September 2010) (on-line) (shorter version of *Hiding in Plain Sight?: Timing and Transparency in the Administrative State*, 76 UNIVERSITY OF CHICAGO LAW REVIEW 1157 (2009)).

Daniel A. Farber & Anne Joseph O'Connell, *Introduction: A Brief Trajectory of Public Choice and Public Law*, in RESEARCH HANDBOOK ON PUBLIC CHOICE AND PUBLIC LAW (Daniel A. Farber & Anne Joseph O'Connell, eds., Edward Elgar Publishing, 2010).

Anne Joseph O'Connell, Book Review, *Well-Regulated*, DEMOCRACY: A JOURNAL OF IDEAS, at 106 (Spring 2008) (reviewing STEVEN P. CROLEY, REGULATION AND PUBLIC INTERESTS: THE POSSIBILITY OF GOOD REGULATORY GOVERNMENT (2008)).

Anne M. Joseph, Book Note, *Hearing Voices*, 108 YALE LAW JOURNAL 1425 (1999) (reviewing ARTHUR LUPIA & MATHEW D. MCCUBBINS, THE DEMOCRATIC DILEMMA (1998)).

## POLICY REPORTS

Anne Joseph O'Connell, *Waiting for Leadership: President Obama's Record in Staffing Key Agency Positions and How to Improve the Appointments Process* (Center for American Progress, April 2010) (cited by D.C. Circuit and *New York Times* and discussed in congressional testimony), available at: [https://cdn.americanprogress.org/wp-content/uploads/issues/2010/04/pdf/dww\\_appointments.pdf](https://cdn.americanprogress.org/wp-content/uploads/issues/2010/04/pdf/dww_appointments.pdf).

Anne Joseph O'Connell, *Let's Get It Started: What President-Elect Obama Can Learn from Previous Administrations in Making Political Appointments* (Center for American Progress, January 2009) (cited by Aspen Institute's Commission to Reform the Federal Appointments Process), available at: [https://cdn.americanprogress.org/wp-content/uploads/issues/2009/01/pdf/presidential\\_appointments.pdf](https://cdn.americanprogress.org/wp-content/uploads/issues/2009/01/pdf/presidential_appointments.pdf).

Anne Joseph O'Connell, *Cleaning Up and Launching Ahead: What President Obama Can Learn from Previous Administrations in Establishing his Regulatory Agenda* (Center for American Progress, January 2009), available at: [https://cdn.americanprogress.org/wp-content/uploads/issues/2009/01/pdf/regulatory\\_agenda.pdf](https://cdn.americanprogress.org/wp-content/uploads/issues/2009/01/pdf/regulatory_agenda.pdf).

## IN PROGRESS

Daniel A. Farber & Anne Joseph O'Connell, *Agencies as Adversaries*.

George A. Krause & Anne Joseph O'Connell, *Measuring Bureaucratic Leadership: Loyalty, Management Skills, and Policy Expertise During the Administrative Presidency Era*.

George A. Krause & Anne Joseph O'Connell, *Can Bureaucratic Leadership Mitigate Common Agency Problems? Institutional Policy Conflict and the Political Calculus of Budgetary Support for U.S. Federal Agencies*.

Anne Joseph O'Connell, *Auditing Politics or Political Auditing?* (revise and resubmit at *Journal of Law and Economics*).

Anne Joseph O'Connell, *A Few Good Men and Binders Full of Women: Diversity and the Administrative State* (empirical work from project featured in the *Washington Post* at: <http://wapo.st/1KsI5Xk> (click on graphic)).

Anne Joseph O'Connell, *Qualifications: Law and Practice of Selecting Agency Leaders*.

## SOFTWARE

James Honaker, Anne Joseph, Gary King, Kenneth Scheve, & Naunihal Singh, *AMELIA: A Program for Missing Data* (software) (2003, initial public version 1999).

## CONGRESSIONAL TESTIMONY AND POLICY ACTIVITY

Solicited Expert, Report of the Working Group on Streamlining Paperwork for Executive Nominations (White House) (November 2012).

Reviewer, *Budgeting for Immigration Enforcement: A Path to Better Performance* (National Research Council Report) (August-September 2011).

Invited Participant in Brookings Institution's Non-Partisan Working Group on the Appointments Process (leaders: E.J. Dionne and William Galston) (May 2010).

Jacob E. Gersen & Anne Joseph O'Connell, Comments on E.O. 12,866 (regulatory review process) (February 12, 2009) (invited written comments).

Daniel Farber & Anne Joseph O'Connell, *National Security Decisions, History, and the Rule of Law: Improving Transparency, Deliberation, and Accountability*, Senate Judiciary Subcommittee on the Constitution, Hearing on Restoring the Rule of Law (September 16, 2008) (invited written testimony).

## TEACHING

### Honors

Distinguished Teaching Award (2016) (most prestigious honor for teaching at the University of California, Berkeley)

Rutter Award for Teaching Distinction (2012) (Berkeley Law)

Allyn Young Prize for Teaching Excellence in Economics (1997) (Harvard University)

### Law (all at Berkeley Law, unless noted)

*Advanced Administrative Law/Selected Topics in Administrative Law*: Fall 2014, Fall 2012, Spring 2010 (Harvard), Spring 2009  
*Administrative Law*: Spring 2016, Spring 2015, Spring 2014, Spring 2013, Spring 2011, Spring 2010 (Harvard), Fall 2007, Fall 2006, Spring 2006, Spring 2005

*Civil Procedure*: Summer 2016 (LL.M. course), Summer 2015 (LL.M. course), Summer 2014 (LL.M. course), Fall 2013, Summer 2013 (LL.M. course), Summer 2012 (LL.M. course), Summer 2011 (LL.M. course), Fall 2010, Summer 2010 (LL.M. course), Fall 2009 (Columbia), Summer 2009 (LL.M. course), Fall 2007, Fall 2006, Fall 2005, Fall 2004  
*Electronic Discovery* (with Kevin Quinn): Spring 2016, Spring 2014  
*Public Law and Policy Workshop* (with Amanda Tyler): Fall 2015  
*Topics in American Law*: Fall 2008 (2 sessions on Civil Procedure, LL.M. course)

### **Political Science and Economics**

*Politics, Economics, and Law of Administrative Agencies*, Political Science Department, University of California, Berkeley: Spring 2006 (graduate)  
*Modeling Politics*, Economics Department, Harvard University: Spring 1998 (undergraduate)  
*Social Analysis 10 (Ec 10)*, Economics Department, Harvard University: Fall 1996-Spring 1997 (undergraduate)  
*Microeconomics*, John F. Kennedy School of Government, Harvard University: Summer, 1995-1998 (MPA)

### **PRESENTATIONS (2011-present)**

*Agencies as Adversaries* (co-written with Daniel A. Farber), paper presented at the Faculty Workshop (Stanford Law School; May 2016).

*Merit Review Process*, presentation (with Pam Samuelson) to Faculty Meeting on Personnel Reviews (Berkeley Law; April 2016).

*Agencies as Adversaries* (co-written with Daniel A. Farber), paper presented at the Berkeley International and Comparative Administrative Law Conference (Berkeley Law; March 2016).

*Agencies as Adversaries* (co-written with Daniel A. Farber), paper presented at the Faculty Workshop (Northwestern University Law School; December 2015).

*Bureaucracy at the Boundary*, paper presented at the Current Issues in Korean Law Conference (Berkeley Law; November 2015).

*Unorthodox Lawmaking, Unorthodox Rulemaking* (co-written with Abbe R. Gluck and Rosa Po), paper presented at the Faculty Workshop (Stanford Law School; November 2015).

*Unorthodox Lawmaking, Unorthodox Rulemaking* (co-written with Abbe R. Gluck and Rosa Po), paper presented at the Public Law and Policy Workshop (Berkeley Law; August 2015).

*Review of King v. Burwell* (U.S. 2015), presented at the Faculty Workshop (Berkeley Law; July 2015).

*The Federal Advisory Committee Act and Related (and Unrelated) Issues*, presentation to the Democratic Politics in an Age of Transparency Conference (Stanford University Center on Democracy, Development and the Rule of Law; June 2015).

*Confirmation Process for Ninth Circuit Nominations*, presentation to the Ninth Circuit Symposium (Rancho Santa Fe, CA; April 2015).

*Shortening Agency and Judicial Vacancies through Filibuster Reform? An Examination of Confirmation Rates and Delays from 1981 to 2014*, paper presented at the Faculty Workshop (University of San Diego Law School; April 2015).

*Shortening Vacancies?*, paper presented at the Faculty Workshop (Berkeley Law; March 2015).

*Shortening Vacancies?*, paper presented at *Duke Law Journal's* Annual Administrative Law Symposium (Duke Law School; February 2015).

*Unorthodox Lawmaking, Unorthodox Rulemaking* (co-written with Abbe R. Gluck and Rosa Po), paper presented at the Faculty Workshop (Berkeley Law; November 2014).

Commentator on Richard Boylan's *Power to the People: Does Ownership Type Influence Electricity Service?*, paper presented at the Conference on Empirical Legal Studies (Berkeley Law; November 2014).

*Unorthodox Lawmaking, Unorthodox Rulemaking* (co-written with Abbe R. Gluck and Rosa Po), paper presented at The New Doctrinalism: Legal Realism and Legal Doctrine Symposium (University of Pennsylvania Law School; October 2014).

*A Few Good Men and Binders Full of Women: Diversity and the Administrative State*, presented in Half-Baked Ideas plenary session at the Faculty Retreat (Berkeley Law; August 2014).

Commentator on Mila Sohoni's *The Power to Privilege*, paper presented at the Harvard/Stanford/Yale Junior Faculty Forum (Stanford Law School; June 2014).

*Public Law Scholarship*, presentation to Daniel A. Farber's Academic Writing for LL.M.s class (Berkeley Law; June 2014).

*Mid-Semester Evaluations*, presentation to Faculty Meeting on Teaching (Berkeley Law; April 2014).

Commentator on Privacy and Civil Liberties Oversight Board's *Report on the Telephone Records Program Conducted under Section 215 of the USA PATRIOT Act and on the Operations of the Foreign Intelligence Surveillance Court Report* (School of Information, University of California, Berkeley; February 2014).

*The Judicial Vacancies Crisis*, presentation to American Constitution Society student chapter (Berkeley Law; February 2014).

*Lost World of Administrative Law* (co-written with Daniel A. Farber), paper presented at Public Law and Legal Theory Workshop (University of Chicago Law School; January 2014).

*Bureaucracy at the Boundary*, paper presented at Public Law and Policy Workshop (Berkeley Law; January 2014).

*Experiential Learning and Presidential Management of the U.S. Federal Bureaucracy: The Case of Agency Leadership Appointments* (co-written with George A. Krause), paper presented at the Conference on Empirical Legal Studies (University of Pennsylvania Law School; October 2013).

Commentator on Arden Rowell and Jessica Bregant's *Numeracy and Legal Decisionmaking*, paper presented at the Conference on Empirical Legal Studies (University of Pennsylvania Law School; October 2013).

*Mid-Semester Assignments*, presentation at the Faculty Teaching Institute (Berkeley Law; August 2013).

Commentator on Morgan Hazelton et al.'s *Lawyers, Judges, and Money: Do Attorney Campaign Contributions Influence Judge's Decisions?*, paper presented at the Political Economy and Public Law Conference (Washington University (St. Louis) Law School; June 2013).

*Bureaucracy at the Boundary*, paper presented at the Legal Theory Workshop (University of California, Davis, Law School; February 2013).

*Boundary Institutions*, paper presented at the Colloquium on Law, Economics, and Politics (New York University Law School; December 2012).

Commentator on Itai Ater et al.'s *Organizational Structure, Police Activity and Crime*, paper presented at the Conference on Empirical Legal Studies (Stanford Law School; November 2012).

*Boundary Institutions*, paper presented at the Public Law Workshop (Harvard Law School; October 2012).

*Boundary Institutions*, paper presented at the Faculty Retreat (Berkeley Law; August 2012).

*Formal Analyses of Political and Judicial Oversight of Agencies*, presented as member of round table at Presidential and Judicial Oversight of Administrative Agencies Conference (Duke University Law School; April 2012).

*Boundary Institutions*, paper presented at the Administrative Law Roundtable (Columbia Law School; April 2012).

*Review of Wal-Mart Stores, Inc. v. Dukes* (U.S. 2010), presented at the Faculty Workshop (Berkeley Law; July 2011).

*Adaptive Selection and Presidential Appointments to Leadership Positions in U.S. Federal Government Agencies, 1977-2009* (co-written with George A. Krause), paper presented at the Political Economy and Public Law Conference (Harvard Law School; June 2011).

*Agency Rulemaking and Political Transitions*, paper presented at the Research Workshop in American Politics (Department of Political Science, University of California, Berkeley; April 2011).

*Agency Rulemaking and Political Transitions*, paper presented at the Faculty Workshop (University of Virginia Law School; February 2011).

*Qualifications: Law and Practice of Selecting Agency Leaders*, paper presented at Law and Political Economy Colloquium (Northwestern University Law School; January 2011).

## SERVICE

### *University Service*

Faculty Mentor, Undergraduate Research Apprenticeship Program (Fall 2010-present, Spring 2005-Spring 2009)

Member, Advisory Committee for the Center for the Study of Law and Society (Fall 2013-present, Spring 2008-Spring 2009)

Member, Advisory Committee for the Institute of Governmental Studies (Fall 2012-present)

Interviewer, Regents' and Chancellor's Scholarship Program (Spring 2011-Spring 2016, Spring 2009)

Member of multiple Ph.D. committees in Political Science

### *Law School Service*

Associate Dean for Faculty Development and Research (April 2013-July 2015)

Member, Faculty Appointments Committee (Summer 2011-Spring 2016 (ex officio, Summer 2013-Summer 2015), Summer 2005-Spring 2006)

Chair, Faculty Appointments Committee (entry-level and lateral) (Summer 2010-Summer 2011)

Co-Coordinator, Public Law Curriculum (Fall 2008-present)

Supervisor of dozens of J.D. major papers

Member of multiple Ph.D. committees in JSP and chair of two JSD committees

Faculty Adviser, Boalt Association of Military and Veterans (Summer 2015-present)

Member (ex officio), Merit Review Advisory Committee (Summer 2013-Summer 2015)

Member, Selection Committee for Lloyd McCullough Robbins Award (outstanding paper in comparative law or legal history) (Spring 2015)

Co-Chair, Ph.D. Programs Committee (Summer 2013-Summer 2014)

Member, Law and Political Economy Ph.D. Program Strategy Group (Summer 2012-Summer 2013)

Chair, Civil Procedure Reading Group for Faculty Appointments (Summer 2012-Fall 2012)

Faculty Equity Advisor (Summer 2011-Summer 2012)

Mentor (official), Assistant Professor of Law (Summer 2011-Summer 2013)

Mentor (official), Assistant Professor in Jurisprudence and Social Policy (JSP) (Summer 2010-Summer 2012)

Co-Organizer, Administrative Law of Emergencies Conference (Fall 2009, conference in January 2010)

Member, Graduate Curriculum Review Committee for JSP (Spring 2010-Spring 2011)

Member, Clerkship Committee (Spring 2009-Summer 2009)

Member, Public Law Reading Group for Faculty Appointments (Summer 2009-Fall 2009)



Member, Curriculum Committee (Spring 2007-Spring 2009)  
Member, JSP Appointments Committee for Empirical Legal Studies Searches (Summer 2008-Spring 2009)  
Chair, Civil Procedure Reading Group for Faculty Appointments (Summer 2008-Summer 2009)  
Co-Organizer, Junior Administrative Law Scholars Conference (Spring 2007, conference in August 2007)  
Faculty Adviser, *California Law Review* (Summer 2005-Spring 2006)  
Member, Financial Aid Committee (Fall 2004-Spring 2005)

*Professional and Community Service*

Director, Board of Society of Empirical Legal Studies (Fall 2012-Fall 2015); Co-President and Co-Organizer, Ninth Annual Conference on Empirical Legal Studies (2014); Vice-President (2013); Fellow (Fall 2015-present)  
Co-Chair, Constitutional Law and Separation of Powers Committee, Administrative Law and Regulatory Practice Section, American Bar Association (August 2010-present); Vice-Chair, Rulemaking Committee, Administrative Law and Regulatory Practice Section, American Bar Association (September 2007-Summer 2010)  
Co-Chair, Administrative Law and Regulatory Practice Section's Program, 2010 American Bar Association Annual Meeting (Summer 2009-August 2010)  
Referee for National Science Foundation (Law and Social Sciences); Cambridge University Press; Stanford University Press; Conference on Empirical Legal Studies; *American Law and Economics Review*; *American Journal of Political Science*; *American Political Science Review*; *British Journal of Political Science*; *California Law Review*; *Congress and the Presidency*; *Election Law Journal*; *Harvard Law Review*; *Harvard/Stanford/Yale Junior Faculty Forum*; *International Public Management Journal*; *International Review of Law and Economics*; *Journal of Law, Economics, & Organization*; *Journal of Legal Studies*; *Journal of Public Policy*; *Presidential Studies Quarterly*; *Stanford Law Review*; *Supreme Court Economic Review*; and *Yale Law Journal*  
Contributing Editor, JOTWELL (The Journal of Things We Like Lots) (Spring 2010-present) (five reviews)  
Co-Founder and Co-Organizer, Northern California Administrative Law Forum (Fall 2014-present) (event at Berkeley Law, March 2016)  
Member, Special Committee to Review Scholarly Papers for the 2009 Annual Meeting, Association of American Law Schools (January 2008-January 2009)  
Member, Presidential Nomination Committee, Midwest Public Administration Caucus (Spring 2007-Fall 2007)  
Regional Review Panel (interviewing of finalists for Truman Scholarship), Harry S. Truman Scholarship Foundation (San Francisco, CA; March 2007, March 2006, March 2005)  
Senior Scholar, Truman Scholars Leadership Week (for new Truman Scholars), Harry S. Truman Scholarship Foundation (William Jewell College; May 2005)

**CONSULTING AND PRO BONO WORK (selected)**

Consulting, various attorneys defending Department of Homeland Security's November 2014 immigration actions (preventing deportation) (March 2015-Spring 2016) (*pro bono*).

Moot Court Judge, California Constitutional Law Center, *Iskanian v. CLS Transportation of Los Angeles* (for Respondent's attorneys before argument in CA Supreme Court) (March 2014) (*pro bono*).

Moot Court Judge, *Sheldon v. Vilsack*; *Tone v. Vilsack* (for Appellant's attorneys before argument in Sixth Circuit) (April 2013) (*pro bono*).

Consulting, various attorneys challenging California's lethal injection protocol (Fall 2008-Spring 2009) (*pro bono*).

*United Steelworkers v. California Department of Forestry and Fire Protection*, written deposition on administrative law significance of California Supreme Court decision for environmentalists' petition for fees (Spring 2009) (*pro bono*).

*Fundamentals of United States Administrative Law*, full-day presentation to delegation from Guizhou Province (China) on basic principles of administrative law (Sino-Canada Technology Exchange; December 2006) (paid).

*China State Compensation Law, Draft Revision*, full-day presentation (with Hans Linde and Ken Bamberger) to delegation of Chinese legal experts and government officials on principles of government tort liability (Asia Foundation, San Francisco; June 2006) (*pro bono*).

Moot Court Judge, *Doe v. Mann* (for Appellant's attorneys before argument in Ninth Circuit) (October 2004) (*pro bono*).

## HONORS

*University of California, Berkeley* (campus-wide): Distinguished Teaching Award (2016); Order of the Golden Bear (2016)  
*Berkeley Law*: Rutter Award for Teaching Distinction (2012); selected as Faculty Commencement Speaker by Summer LL.M. class (2010) and 3L class (2008)

*American Association of Law Schools*: Winner of Scholarly Papers Competition for *Political Cycles of Rulemaking* (2007-2008)  
*American Bar Association*: Two-Time Recipient of Scholarship Award in Administrative Law for *Bureaucracy at the Boundary* (2015) and *Vacant Offices* (2010)

*American Constitution Society*: Winner (with Daniel A. Farber) of Richard D. Cudahy Writing Competition on Regulatory and Administrative Law for *Lost World of Administrative Law* (2014)

*U.S. Department of Justice*: Special Commendation (2002); Performance Award (2002, 2003)

*Yale Law School*: Coker Fellow (Teaching Assistant) for Constitutional Law with Paul Kahn (1999)

*Yale Law School* (Morris Tyler Moot Court of Appeals): Harlan Fiske Stone Prize for Best Individual Oral Argument (1999); Potter Stewart Prize for Best Team Written and Oral Argument (1999)

*Harvard University*: Allyn Young Teaching Prize in Economics (1997); Bok Certificates, Teaching Distinction (1996, 1997)

*Cambridge University*: Wolfson Prize for Best M.Phil. Essays in History and Philosophy of Science; First Class Result, History and Philosophy of Science, Natural Sciences Tripos

*Williams College*: Phi Beta Kappa; Sigma Xi

## RADIO AND TELEVISION APPEARANCES

FOX 2 (San Francisco), Ten O'Clock News (Executive Actions on Immigration, November 2014)

CNN, Lou Dobbs (White House "Czars", October 2009)

KALW (San Francisco), Cross Currents (Cass Sunstein and OIRA, January 2009)

CBS 5 (San Francisco), Evening News (Intelligence Community and Rule of Law, January 2009)

National Public Radio, News and Notes (Midnight Regulations, November 2008)

National Public Radio, National News (Walmart Litigation, August 2005)

## COMPETITIVE GRANTS AND SCHOLARSHIPS

National Science Foundation, SBE-HSD, Agents of Change (\$749,446, 2006-2009, Senior Investigator)

University of California, Berkeley, Hellman Family Faculty Fund (\$39,000, 2006-2008)

Yale Law School, Olin Fellowship for Law and Economics Research (\$5,000, Summer 1998)

National Science Foundation, Graduate Fellowship (full three-year fellowship for Ph.D.)

Dr. Herchel Smith Scholarship (full two-year fellowship for study at Cambridge University)

Harry S. Truman Scholarship for Public Service (\$30,000 for graduate school)

## GRADUATE SCHOOL ACTIVITIES

Research Assistant for Gary King (Harvard University, Summer 1997-Fall 1999)

Research Assistant for Derek Bok (Harvard University, Fall 1998)

Research Assistant for Anne Alstott (Yale Law School, Spring 1999)

Research Assistant for Edward Schwartz (Yale Law School, Fall 1995-Summer 1996)

*Yale Law Journal* (Senior Editor, Fall 1999-Spring 2000; Editor, Fall 1998-Spring 1999)

*Yale Journal on Regulation* (Submissions Committee, Fall 1996-Spring 1997; Articles Editor, Fall 1995)

Co-Chairperson, Morris Tyler Moot Court of Appeals, Yale Law School (Fall 1999-Spring 2000)

## **PROFESSIONAL ASSOCIATIONS**

Member of the New York bar  
American Bar Association  
Midwest Political Science Association  
Society of Empirical Legal Studies (Fellow)