

# JIM ROSSI

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## **ACADEMIC POSITIONS**

### **Florida State University College of Law, Harry M. Walborsky Professor / Associate Dean for Research (current)**

Harry M. Walborsky Professor and Associate Dean for Research, 2003- present; promoted to full Professor, 2004; tenure and promotion to Associate Professor, 1999; Patricia A. Dore Professorship, 1996-2002; Assistant Professor, 1995-99.

#### Courses/Seminars Taught:

- Administrative Law
- Torts
- Energy Law (have taught as both a traditional course and a seminar)
- Antitrust
- Regulated Industries
- Florida Administrative Procedure
- Cyberlaw (co-taught with Professor Steven Gey)
- Seminar on the Law of Renewable and Clean Energy
- Seminar on Energy Deregulation
- Seminar on Privatization, Deregulation and the Public Utility.

Taught courses in Florida State sponsored Summer Law Programs at Oxford University, UK (2009) (St. Edmunds Hall) and Charles University, Prague (2000).

### **Harvard Law School, Visiting Professor (Spring 2009 semester)**

Taught Administrative Law and Energy Law courses.

### **Vanderbilt Law School, Visiting Professor (Spring 2007 semester)**

Taught Administrative Law and an Energy Law Seminar.

### **University of North Carolina at Chapel Hill, Professor of Law (2002-2003 academic year)**

Taught Torts, Administrative Law and an Energy Law Seminar.

**University of Texas School of Law, Visiting Associate Professor (2000-01 academic year)**

Taught Torts, Administrative Law and an Energy Law Seminar.

**Chicago-Kent College of Law, Visiting Assistant Professor (1994-95 academic year)**

Taught Antitrust Law and Legal Writing I and II.

**PUBLICATIONS (most papers available electronically at <http://ssrn.com/author=55977>)**

**RESEARCH OVERVIEW AND CURRENT PROJECTS**

My research falls into three distinct areas: a) energy law, b) administrative law, and c) state constitutional law.

Current major scholarly articles include: 1) *The Clean Energy Floor* (with former student Thomas Hutton), an analysis of the promise and limits of federal preemption floors for clean energy policies; and 2) *The Separation of Powers Limits on Congressional Control of Statutory Interpretation* (with Mark Seidenfeld), an examination of Congress' authority to instruct courts on their interpretation of statutes.

Additional current projects include 1) a solicited response to an article on dialogue and judicial review in administrative law by Emily Mezell for the COLUMBIA LAW REVIEW SIDEBAR (forthcoming 2012); 2) a symposium contribution for a Spring 2012 VANDERBILT LAW REVIEW symposium on clean energy law (tentatively titled *The Importance of Demand Endogeneity for Energy Resource Planning*); and 3) a book chapter on judicial review of facts (with Ron Levin) for the forthcoming second edition of an ABA book, A GUIDE TO POLITICAL AND JUDICIAL REVIEW OF FEDERAL AGENCIES.

**BOOKS**

NEW FRONTIERS OF STATE CONSTITUTIONAL LAW: DUAL ENFORCEMENT OF NORMS (editor, with James A. Gardner) (Oxford University Press, 2010) (co-wrote introduction and wrote a chapter; other contributors to the collection include Neal Devins, James Gardner, Helen Hershkoff, Jacob Levy, Daniel Rodriguez, Lawrence Sager, Robert Schapiro)

ENERGY, ECONOMICS AND THE ENVIRONMENT: CASES AND MATERIALS (Third Edition, Foundation Press) (2010) (1207 pages; also 327 page teacher's manual) (with Fred Bosselman, Joel Eisen, David Spence & Jacqueline Lang Weaver)

ENERGY, ECONOMICS AND THE ENVIRONMENT: CASES AND MATERIALS (Second Edition, Foundation Press) (2006) (1331 pages; also 249 page teacher's manual) (with Fred Bosselman, Joel Eisen, David Spence & Jacqueline Lang Weaver)

REGULATORY BARGAINING AND PUBLIC LAW (Cambridge University Press, 2005) (274 pages)

ENERGY, ECONOMICS AND THE ENVIRONMENT: CASES AND MATERIALS (Foundation Press) (2000) (1318 pages; also 200 page teacher's manual) (with Fred Bosselman & Jacqueline Lang Weaver)

### **BOOK CHAPTERS**

*Introduction* (with James A. Gardner) and *Dual Constitutions and Constitutional Duels*, chapters in DUAL ENFORCEMENT OF CONSTITUTIONAL NORMS: NEW FRONTIERS OF STATE CONSTITUTIONAL LAW (with James A. Gardner) (Oxford University Press) (2010)

*Public Choice, Energy Regulation and Deregulation*, chapter in PUBLIC CHOICE AND PUBLIC LAW (Daniel Farber and Anne Joseph O'Connell, eds.) (Edward Edgar Publishing, 2010)

*Judicial Review of Issues of Fact*, chapter 7 in A GUIDE TO POLITICAL AND JUDICIAL REVIEW OF FEDERAL AGENCIES (John Duffy & Michael Herz, eds.) (ABA Section on Administrative Law & Regulatory Practice 2005)

*Judicial Review*, chapter in ANNUAL DEVELOPMENTS IN ADMINISTRATIVE LAW: 2002-2003 (ABA Section of Administrative Law & Regulatory Practice 2004) (with Mark Seidenfeld & Keith Rizzardi)

*Universal Service in Competitive Retail Electric Markets: Refin(anc)ing the Duty to Serve for a Post-Natural Monopoly Era*, chapter 7 (pp. 141-67) in THE END OF A NATURAL MONOPOLY: COMPETITION IN THE ELECTRIC POWER INDUSTRY (Peter Grossman & Daniel Cole, eds., Elsevier Science Ltd., 2003)

*Judicial Review*, chapter in ANNUAL DEVELOPMENTS IN ADMINISTRATIVE LAW: 2000-2001 (ABA Section of Administrative Law & Regulatory Practice 2001) (with Mark Seidenfeld & William Jordan)

### **ARTICLES IN SCHOLARLY LEGAL JOURNALS**

*Agency Coordination in Shared Regulatory Space*, 125 HARVARD LAW REVIEW \_\_ (forthcoming 2012) (with Jody Freeman)

*Judge Cudahy's Energy Vision*, 29 YALE JOURNAL ON REGULATION \_\_ (forthcoming 2012)  
(with Thomas Hutton)

*Clean Energy and the Price Preemption Ceiling*, 3 SAN DIEGO JOURNAL OF ENERGY &  
CLIMATE LAW \_\_ (forthcoming 2011) (symposium)

*Assessing the State of State Constitutionalism*, 109 MICHIGAN LAW REVIEW 1145-1161  
(2011) (book review)

*The Shaky Political Economy Foundations of a National Renewable Electricity  
Requirement*, 2011 ILLINOIS LAW REVIEW 361-80 (symposium)

*Siting Transmission Lines in a Changed Milieu: Evolving Notions of the 'Public Interest'  
in Balancing State and Regional Considerations*, 81 COLORADO LAW REVIEW 705-770  
(2010) (with Ashley C. Brown) (symposium)

*Limits of a National Renewable Portfolio Standard*, 42 CONNECTICUT LAW REVIEW 1425-  
1450 (2010) (solicited response)

*The Trojan Horse of Transmission Line Siting Authority*, 39 ENVIRONMENTAL LAW 1015-  
1048 (2009) (symposium)

*The Political Economy of Energy and Its Implications for Climate Change Legislation*, 84  
TULANE LAW REVIEW 379-428 (2009)

*Antitrust Process and Vertical Deference: Judicial Review of State Regulatory Inaction*,  
93 IOWA LAW REVIEW 185-245 (2007)

*Constitutional Isolationism and the Limits of State Separation of Powers as a Barrier to  
Interstate Compacts*, 90 MARQUETTE LAW REVIEW 721-738 (2007) (symposium)

*Politics, Institutions and Administrative Procedure: What Exactly Do We Know  
from the Study of State-Level APAs, and What More Can We Learn?*, 58  
ADMINISTRATIVE LAW REVIEW 961-980 (2007) (symposium)

*State Executive Lawmaking in Crisis*, 56 DUKE LAW JOURNAL 237-276 (2006)  
(annual administrative law symposium)

*The Puzzling Legal Status of State Constitutions in a Federalist System*, 54  
BUFFALO LAW REVIEW 211-234 (2006) (book review)

*Political Bargaining and Judicial Intervention in Constitutional and Antitrust*

*Federalism*, 83 WASHINGTON UNIVERSITY LAW QUARTERLY 521-573 (2005)

*Empirical Measures of Judicial Performance: An Introduction to the Symposium*, 32 FLORIDA STATE UNIVERSITY LAW REVIEW 1001-1014 (2005) (with Steven Gey) (symposium foreword)

*The Demise of Market Power in State Power Plant and Transmission Line Siting: A New Challenge for Environmental Regulation*, 15 DUKE ENVIRONMENTAL LAW & POLICY FORUM 315-239 (2005) (symposium)

*Moving Public Law Out of the Deference Trap for Regulated Industries*, 39 WAKE FOREST LAW REVIEW 617-676 (2005) (symposium)

*Dual Constitutions and Constitutional Duels: State Separation of Powers and the Implementation of Federal Programs*, 45 WILLIAM & MARY LAW REVIEW 1343-1284 (2005) (symposium)

*The New Frontier of State Constitutional Law*, 45 WILLIAM & MARY LAW REVIEW 1231-1243 (2005) (with James Gardner) (symposium foreword)

*Final, But Often Fallible: Acknowledging the Problems with ALJ Finality*, 56 ADMINISTRATIVE LAW REVIEW 53-76 (2004)

*Lowering the Filed Tariff Shield: Judicial Enforcement for a Deregulatory Era*, 56 VANDERBILT LAW REVIEW 1591-1659 (2003)

*Beyond Goldwasser: Ex Post Enforcement in Deregulated Markets*, 2003 LAW REVIEW OF THE MICHIGAN STATE UNIVERSITY-DETROIT COLLEGE OF LAW 717-726 (conference paper)

*The Electric Power Deregulation Fiasco: Looking to Regulatory Federalism to Promote a Balance Between Markets and the Provision of Public Goods*, 100 MICHIGAN LAW REVIEW 1768-1790 (2002) (book review essay)

*Bargaining in the Shadow of the Administrative State: Rulemaking Settlement and the Public Interest*, 51 DUKE LAW JOURNAL 1015-1058 (2001) (annual administrative law symposium)

*Overcoming Parochialism: Institutional Design and State Administrative Procedure*, 53 ADMINISTRATIVE LAW REVIEW 551-574 (2001) (symposium on state administrative law)

*Respecting Deference: Conceptualizing Skidmore Within the Architecture of Chevron*, 42 WILLIAM & MARY LAW REVIEW 1105-1147 (2001)

*Disentangling Deregulatory Takings*, 86 VIRGINIA LAW REVIEW 1435-1495 (2000) (with Susan Rose-Ackerman)

*Government Litigant Advantage, The Rule of Law, and the Unitary Executive*, 28 FLORIDA STATE UNIVERSITY LAW REVIEW 459-469 (2000) (symposium on Regulatory Theory & Administrative Law)

*The False Promise of the “New” Nondelegation Doctrine*, 76 NOTRE DAME LAW REVIEW 1-19 (2000) (with Mark Seidenfeld)

*Universal Service in Competitive Retail Electric Markets: Whither the Duty to Serve?*, 21 ENERGY LAW JOURNAL 27-49 (2000)

*Institutional Design and the Lingering Legacy of Antifederalist Separation of Powers Ideals in the States*, 52 VANDERBILT LAW REVIEW 1167-1240 (1999)

*ALJ Final Orders on Appeal: Balancing Independence with Accountability*, 19 JOURNAL OF THE NATIONAL ASSOCIATION OF ADMINISTRATIVE LAW JUDGES 1-23 (1999)

*Statutory Nondelegation: Learning from Florida’s Recent Experience in Administrative Procedure Reform*, 8 WIDENER JOURNAL OF PUBLIC LAW 301-345 (1999) (contribution to symposium on state administrative procedure)

*Hamstringing State Agency Authority to Promulgate Rules: A Questionable Way to Improve Environmental Regulation*, 29 ENVIRONMENTAL LAW REPORTER 10735-10745 (Environmental Law Institute 1999)

*The Irony of Deregulatory Takings*, 77 TEXAS LAW REVIEW 297-320 (1998) (book review)

*The Common Law “Duty to Serve” and Protection of Consumers in an Age of Competitive Retail Public Utility Restructuring*, 51 VANDERBILT LAW REVIEW 1233-1321 (1998)

*Public Choice Theory and the Fragmented Web of the Contemporary Administrative State*, 96 MICHIGAN LAW REVIEW 1746-1777 (1998) (book review)

*Participation Run Amok: The Deliberative Costs of Mass Participation in Agency Decisionmaking*, 92 NORTHWESTERN UNIVERSITY LAW REVIEW 173-249 (1997)

*Waivers, Flexibility and Reviewability*, 72 CHICAGO-KENT LAW REVIEW 1359-1375 (1997) (comment for administrative law symposium)

*The 1996 Revised Florida Administrative Procedure Act: A Rulemaking Revolution or Counter-Revolution?*, 49 ADMINISTRATIVE LAW REVIEW 345-376 (1997)

*The 1996 Revised Florida Administrative Procedure Act: A Survey of Major Provisions Affecting Florida Agencies*, 24 FLORIDA STATE UNIVERSITY LAW REVIEW 283-307 (1997)

*Making Policy Through the Waiver of Regulations at the Federal Energy Regulatory Commission*, 47 ADMINISTRATIVE LAW REVIEW 255-297 (1995)

- reprinted in 18 PUBLIC UTILITIES LAW ANTHOLOGY 231-275 (Pt. I, Jan.-June 1995)

*Lessons from the Procedural Politics of the "Comprehensive" National Energy Policy Act of 1992*, 19 HARVARD ENVIRONMENTAL LAW REVIEW 195-240 (1995)

*Redeeming Judicial Review: The Hard Look Doctrine and Federal Regulatory Efforts to Restructure the Electric Utility Industry*, 1994 WISCONSIN LAW REVIEW 763-837

-reprinted in 17 PUBLIC UTILITIES LAW ANTHOLOGY 777-853 (Pt. II, July-Dec. 1994)

*Some Recent Ideas in Substantive Moral Philosophy and Their Relevance to Law*, 12 LAW & PHILOSOPHY 407-416 (1993) (book review)

*Student Project: An Empirical Examination of the Iowa Bar's Approach to Regulating Lawyer Advertising*, 77 IOWA LAW REVIEW 179-268 (1991) (with Mollie Weighner)

#### **SHORTER ENCYCLOPEDIA, BAR AND TRADE JOURNAL CONTRIBUTIONS**

*Book Review of THE SOCIAL COST OF ELECTRICITY: SCENARIOS AND POLICY IMPLICATIONS*, 3 CLIMATE LAW \_\_ (forthcoming 2011)

*Nondelegation Doctrine*, entry in ENCYCLOPEDIA OF THE SUPREME COURT OF THE UNITED STATES (David Tanenhaus, editor-in-chief) (2008)

*Why the Filed Rate Doctrine Should Not Imply Blanket Judicial Deference to Regulatory Agencies*, ABA ADMINISTRATIVE LAW & REGULATORY PRACTICE NEWS, Summer 2008, at 11

*Competition Law and Public Service in the E.U. and U.S.*, ANTITRUST SOURCE, November 2005, at <http://www.abanet.org/antitrust/source/11-05/Nov05-RossiRev11=29.pdf> (book review)

*The Dangerous Allure of Judicial Deference in Deregulated Industries*, ABA ADMINISTRATIVE LAW & REGULATORY PRACTICE NEWS, Summer 2005, at 3

*Remarks of Professor Jim Rossi, NCALJ Panel Discussion, "ALJ Decisions: Final or Fallible?."* 25 JOURNAL OF THE NATIONAL ASSOCIATION OF ADMINISTRATIVE LAW JUDGES 191-221 (2005)

*How the Filed Rate Doctrine Wreaks Havoc on Deregulated Energy Markets – And What Courts Can Do About It*, ELECTRICITY JOURNAL, April 2005, at 60-67

*Debilitating Doctrine: How the Filed Rate Doctrine Wreaks Havoc on Deregulated Energy Markets*, PUBLIC UTILITIES FORTNIGHTLY, November 2004, at 16-21

*American Rivers, Inc. v. Federal Energy Regulatory Commission: Second Circuit Further Restricts FERC's Authority to Reject State Water Conditions*, 6 RIVERS: STUDIES IN THE SCIENCE, ENVIRONMENTAL POLICY, AND LAW OF INSTREAM FLOW 204-09 (1998) (with Rachel Peterkin)

*Florida's 1996 Revised APA*, ABA ADMINISTRATIVE & REGULATORY LAW NEWS, Fall 1996, at 9

*Protecting the Administrative Process from Encroachment by Federal Antitrust Laws*, 17 ADMINISTRATIVE LAW SECTION NEWSLETTER 1 (May 1996)

*Overview: Tempering Special Interest Politics in Economic Restructuring*, 18 PUBLIC UTILITIES LAW ANTHOLOGY xix-xxv (Pt. I, Jan.-June 1995)

*Moving Beyond Special Interest Politics in Electric Utility Industry Restructuring*, PUBLIC UTILITIES FORTNIGHTLY, October 15, 1995 at 31-33

*Avoiding a Mistake With Corrections Day*, LEGAL TIMES, April 3, 1995, at 22 (with Harold Krent); *'Corrections Days' Obscure the Need for Accountability*, NEW JERSEY LAW JOURNAL, April 3, 1995, at 25 (same)

#### **SELECT CONSULTING ACTIVITIES (BOTH VOLUNTEER AND PAID)**

U.S. Department of Transportation (volunteer): Consulted DOT and NHTSA on governance issues associated with implementation of standards concerning the Intelligent Transportation Systems (ITS). Nominated for congressionally created ITS Advisory Committee (appointment pending).

World Bank (paid): Consulted on matters of risk and direct foreign private investment in infrastructure (prepared report).

City of Palo Alto and Northern California Power Association (paid): Expert witness on antitrust issues, regulatory, and breach of contract issues in Pacific Gas & Electric bankruptcy proceeding (filed expert reports and testified at deposition).

NAACP (volunteer): Pro Bono representation on standing issues in administrative challenge by Florida chapter of NAACP to executive branch mandated end of state university affirmative action admissions program (wrote standing portion of brief, which ultimately was endorsed by the Florida Supreme Court).

## **PRESENTATIONS AND OUTREACH**

*Select Academic Workshops and Symposia (since 2000):*

General Faculty Research Workshops (invited to present various works in progress):

- University of Minnesota Law School (May 2011)
- Vanderbilt Law School (March 2011)
- University of Virginia School of Law (November 2010)
- University of Texas School of Law (February 2010)
- Suffolk Law School (February 2009)
- University of Tulsa Law School (November 2007)
- University of Illinois School of Law (February 2007)
- Vanderbilt Law School (February 2007)
- Loyola-LA Law School (November 2006)
- University of Iowa College of Law (October 2006)
- University of Georgia School of Law (February 2006)
- Emory Law School (October 2004)
- George Mason University Law School (April 2004)
- University of Florida College of Law (March 2004)
- University of Indiana-Indianapolis School of Law (February 2004)
- Pepperdine Law School (October 2003)
- University of North Carolina School of Law (September 2002)
- University of San Diego School of Law (September 2002)
- University of North Carolina School of Law (December 2001)
- Washington & Lee University School of Law (October 2001)
- University of Houston Law Center (April 2001)
- University of Iowa College of Law (February 2001)
- Case Western Reserve University School of Law (November 2000)
- University of Texas School of Law (October 2000)

Graduate/Student Seminars (invited to present a paper):

- Stanford Law School (April 2010)
- Harvard Law School (February 2009)
- New York University Department of Economics (April 2005)
- University of Houston Law Center (April 2004)
- University of Southern California Law School (September 2002)
- Georgetown University Law Center (November 2001)

Subject-Specific Symposia/Group Workshops/Conferences (invited to present a paper, or served on or moderated a panel):

- University of Texas Interdisciplinary (Engineering, Law, Business) Energy Conference (April 2012)
- Northwestern University Law School Searle Roundtable (March 2012) – *Natural Gas Fracking and Federalism*
- Vanderbilt Law School Conference on Renewable Energy (February 2012) (item to be written for submission to *Vanderbilt Law Review*)
- University of Ottawa/University of Minnesota Interdisciplinary Workshop (Engineering, Public Policy, Business, Law) – *Constructing Smart Grids* (October 2011)
- Harvard Electricity Policy Group Annual Forum, Nashville, Tennessee (September 2011) – *Preemption Implications of FERC's Transmission Cost Allocation Rules*
- Southeastern Association of American Law Schools Annual Meeting (July 2011), Presenter on Panel on Institutional Promotion of Scholarship
- University of San Diego Symposium on Renewable Energy (April 2011) (published item, above)
- University of Texas Smart Grid Conference (April 2011) (moderator; co-organizer)
- Florida State University College of Law Conference on Renewable Energy and Land Use (April 2011)
- University of Texas School of Law Federalism Conference (February 2011) (moderator)
- University of Utah Symposium on the Future of Energy Law (January 2011)
- Pennsylvania State University symposium on state constitutions (September 2010)
- University of Illinois Law Review* symposium on biofuel regulation (April 2010) (published item, above)
- University of California-Berkeley, Law & Politics of Crisis Roundtable (January 2010)
- Harvard Electricity Policy Group Annual Forum (Kennedy School, October 2009), *Transmission Siting and Cost Allocation*

- Northwestern University Law School Searle Roundtable on Energy, Institutions & Technology (April 2009) (co-organizer and presenter)
- Lewis & Clark Law School (April 2009), Greening the Grid conference sponsored by *Environmental Law* (published item, above)
- Northwestern Law School (April 2008), Searle Renewable Energy Roundtable
- Marquette Law School (September 2006), Symposium on Wisconsin's Constitution sponsored by *Marquette Law Review* (published item, above)
- Duke Law School (March 2006), *Duke Law Journal* Administrative Law Conference (published item, above)
- Harvard Electricity Policy Group Annual Forum, San Diego, California (March 2005), *Transparency and Market Monitoring*
- Duke Law School (November 2004), *Duke Environmental Law & Policy Forum* Conference on Electric Power Deregulation and the Environment (published item, above)
- University of Richmond School of Law (March 2004), Conference on Electricity Blackouts
- Florida State University Law Review Symposium* on Behavioral Analysis of Legal Institutions, Commentator (March 2004) (organizer)
- College of William & Mary, Marshall-Wythe School of Law (November 2003), *William & Mary Law Review* Conference on State Constitutionalism and the Enforcement of Constitutional Norms (co-organizer) (published item, above)
- Southeastern Association of Law Schools Annual Meeting (July 2003), Panel on Publishing
- Annual Quello Center (Michigan State University) Telecommunications Conference, Washington, D.C. (March 2003) (published item, above)
- Southeastern Association of American Law Schools Annual Meeting (July 2001), Presenter on Administrative Law Panel
- Duke Law School (March 2001), *Duke Law Journal* Administrative Law Conference (published item, above)
- Florida State University College of Law (March 2001), Commentator for *Florida State University Law Review* Symposium on the Law of Presidential Elections
- AALS Annual Meeting in San Francisco (January 2001), Panelist for AALS Town Hall Meeting on the 2000 Presidential Election
- AALS Conference on Teaching Administrative Law (March 2000)
- Speaker and Facilitator; Florida State University College of Law (February 2000), Commentator for *Florida State University Law Review* Symposium on Regulatory Theory (published item, above)

*Select Continuing Legal Education and Law Reform:*

Keynote Addresses and Major Lectures:

- William Mitchell School of Law (April 2005), Keynote Lecture, *Judicial Deference and Deregulation*
- Iowa Association of Administrative Law Judges Conference, Des Moines, Iowa (October 2004), Keynote Speaker: *Recent Developments in Judicial Review*
- Virginia Bar Association Seventh Annual Administrative Law Conference, Richmond (April 2003), Keynote Speaker: *Architecture and Administrative Law*
- National Association of Administrative Rules Review (Council of State Governments Annual Meeting), Honolulu, Hawaii (December 1997), Keynote Speaker: *Problems and Pitfalls in Rules Review*

Other Professional Presentations:

- Panelist, *American Academy of Arts & Sciences Panel on Climate Change and Energy* (Cambridge, October 2010)
- Panelist, Smart Grid Issues, *ABA Section on Public Utility, Communications and Transportation* (San Francisco, August 2010)
- Speaker, National Association of Administrative Law Judges Fall Meeting, Washington, D.C., *Panel on ALJ Finality* (October 2007)
- Speaker, Village Square (Tallahassee Community Outreach) (October 2007), *Economics of Electric Power Generation*
- Speaker, Pat Dore Annual Administrative Law Conference, Tallahassee, Florida (October 2006)
- Speaker, National Association of Administrative Law Judges Spring Meeting, Des Moines, Iowa (June 2006)
- ABA Section on Administrative Law & Regulatory Practice Annual Meeting, Washington, D.C., *Panel on the Revised State Administrative Procedure Act* (November 2005)
- ABA Annual Meeting, Judicial Division and Georgia Office of Administrative Hearings, Atlanta, Georgia (August 2004), Presenter, *ALJ Finality*
- ABA Section of Administrative Law & Regulatory Practice Annual Meeting, Washington, D.C. (November 2003), Presenter, *Annual Developments in Judicial Review*
- ABA Section of Administrative Law and Regulatory Practice, Philadelphia, Pennsylvania (February 2002), Presenter, *Panel on the Administrative States*
- Florida Bar Public Utility Law Program, Tallahassee, Florida (October 2001), Presenter, *Takings and Utility Regulation*
- National Association of Administrative Law Judges Annual Meeting, Charlotte, North Carolina (September 1999), Panelist, *Independence and Accountability in Central Panel Adjudication*

- Widener University School of Law (February 1999), Speaker, *Statutory Nondelegation*, Symposium on Pennsylvania's Administrative Procedure Act,
- Florida Bar Pat Dore Conference on Administrative Law, Tallahassee, Florida (October 1998), Panelist, *What Can States Learn from Federal Administrative Law?*
- Section of Administrative Law & Regulatory Practice, ABA Annual Meeting, Toronto, Canada (August 1998), Panelist, *The Strange New World of Deregulatory Takings*
- ABA Annual Meeting, Toronto, Canada (August 1998); Instructor, Various Computer Research Courses for Judges
- Florida Bar Conference on Retail Wheeling and Competition in the Electric Utility Industry (Florida Bar CLE) (February 1998), Moderator, Consumer Protection Panel
- ABA Section on Administrative Law & Regulatory Policy, Orlando, Florida (August 1996), Speaker, *Florida's Rulemaking Revolution and Counter-Revolution*
- National Association of Administrative Rules Review (Council of State Governments Annual Meeting), Cleveland, Ohio (December 1996), Panelist, *Law and Politics in Legislative Rules Review in the States*
- Florida Bar Pat Dore Conference on Administrative Law, Tallahassee, Florida (October 1996), Presenter and Panelist, *Waiver in the Administrative Procedure*

*Media:*

- Opinion/editorial pieces for *St. Petersburg Times*, *Chicago Tribune*; *Des Moines Register*; *Legal Times*; *Tallahassee Democrat*
- Quoted on torts/administrative law and regulatory (particularly energy deregulation) matters in *New York Times*; *Corpus Christi Caller-Times*; *Energy Users' News*; *Miami Herald*; *Orlando Sentinel*; *Raleigh News & Observer*; *Reuters*; *San Antonio Express-News*; *St. Petersburg Times*; *Sun-Sentinel*; *Tallahassee Democrat*; *Tampa Tribune*; *Washington Post*
- Quoted during 2000 presidential dispute in *Austin-American Statesman*; *Bloomberg News*; *Boston Globe*; *Charleston (WV) Gazette & Daily Mail*; *Denver Post*; *Florida Times-Union*; *Fulton County Daily Report*; *Herald Sun (Durham, NC)*; *Hotline*; *International Herald Tribune*; *Legal Times*; *Los Angeles Times*; *Miami Herald*; *Raleigh News & Observer*; *San Antonio Express News*; *Seattle Times*; *The Tennessean*; *US New & World Report* (cover story); *Washington Post*
- Broadcast media interviews for ABC News, local radio stations

**EDUCATION**

*Yale Law School*: LL.M., 1994

- *Olin Fellow*, Yale Center for the Study of Law, Economics, and Public Policy (Summer 1994)

*University of Iowa College of Law*: J.D., 1991, with High Distinction

- Articles Editor, IOWA LAW REVIEW (1990-91)

*Honors College at Arizona State University, Tempe*: B.S., 1988, Summa Cum Laude (Economics Major)

- Received Outstanding Alumnus Award from the Honors College (2005)
- Award, *Outstanding Undergraduate in Economics* (1988)

## OTHER LEGAL EXPERIENCE

Associate Attorney, *Miller, Balis & O'Neil*, Washington, D.C. (1993)  
(practiced energy law)

Associate Attorney, *Sutherland, Asbill & Brennan*, Washington, D.C. (1991-93) (practiced energy, antitrust and administrative law)

## AWARDS, SERVICE ACTIVITIES, and VARIOUS AFFILIATIONS

Recognized as top runner-up for 10 “most-cited” in the specialty of Administrative Law over the years 2005-2009 by Brian Leiter, [http://www.leiterrankings.com/new/2010\\_scholarlyimpact.shtml](http://www.leiterrankings.com/new/2010_scholarlyimpact.shtml) (study published Spring 2010); also included in Brian Leiter’s “Top 50 Most Cited Law Faculty Who Entered into Law Teaching Since 1992,” [http://www.leiterrankings.com/faculty/2002faculty\\_impact\\_newprofs.shtml](http://www.leiterrankings.com/faculty/2002faculty_impact_newprofs.shtml) (study published in 2003).

Various tenure-evaluation/appointment letters for Northwestern University, University of Texas, George Washington University, Case Western Reserve University, University of Oregon, University of Buffalo Law School, University of Houston, Southern Illinois University, University of Toledo, Thomas Jefferson University.

External manuscript referee for Oxford University Press, Cambridge University Press, *Public Choice*.

Florida State University:

College of Law Service: Associate Dean for Research, 2003 – present; Editor, Florida State University Public Law and Legal Theory Faculty Working Paper Series ([www.ssrn.com](http://www.ssrn.com)); Chair, Curriculum Committee (2011-12); Chair, Appointments Committee (2010 calendar year, 2006 calendar year); Member, Appointments Committee (1996-97, 1997-98, 1999-2000, 2001-02, 2003-04, 2008 calendar year); Chair, Academic Enrichment Committee (2001-02, 2003-04; 2004-05; 2005-06; 2007-08; 2008-09); Grants Committee (2004-05); Academic Enrichment Committee (1997-98); Curriculum Committee (1998-99; 2004-05); Ad Hoc Diversity Committee (1995-96); Technology and Library Committee (1995-99); Faculty Advisor, *Florida State University Law Review* (2001-02); Faculty Advisor, OutLaw (2001-02); Associate Dean for Technology, 1998-99.

Conference/Symposium Coordinator: “The Law of Presidential Elections: Issues in the Wake of Florida 2000,” symposium published at 29 *Florida State University Law Review* (2001); “Empirical Measures of Judicial Performance,” symposium published at 32 *Florida State University Law Review* (2005); and “Default Rules in Private and Public Law” (published at 33 *Florida State University Law Review* (2006)).

University: Member of Steering Committee, Florida State University Institute for Energy Systems, Economics and Sustainability (IESES) (2008 – present); Provost’s AAU Task Force (campus-wide initiative to advance Florida State’s national stature as a major graduate research university) (2005-2006); Florida State Council on Research and Creativity (2003-2006); Provost’s Ad Hoc Committee on Technology and Libraries (1996).

University of North Carolina School of Law: Founder and Co-Editor, University of North Carolina Public Law and Legal Theory Research Paper Series ([www.ssrn.com](http://www.ssrn.com)); Chair, Web & Technology Committee (2002-03); Appointments Committee (2002-03).

American Bar Association: Liaison to NCCUSL on Revised MSAPA project (2005-2007); Member of Section Council, Section of Administrative Law & Regulatory Practice (2000-2004); Co-Chair, State Administrative Law Committee, Section of Administrative Law & Regulatory Practice (1998-2004) (also served as Vice-Chair, 1996-98); Co-Reporter, Blackletter Statement of Administrative Law, developed by Section of Administrative Law & Regulatory Practice and published at 54 *Administrative Law Review*1 (2002); Founder (1996) and Coordinator, *ABA Administrative Procedure Database*, on the Internet at [www.law.fsu.edu/library/admin/](http://www.law.fsu.edu/library/admin/) (first-generation Internet research tool, now largely dormant).

American Bar Foundation: Fellow.

Florida: Appointed Member, Florida Governor's State Technology Office, Privacy and Technology Task Force (2000 - 2002); Member, Project Advisory Group, Florida Conflict Resolution Consortium, State Agency Dispute Resolution Pilot Project (1998-2000).

Legal Education: Member, Advisory Committee, *Jurist - Law Professors on the Web*, on the Internet at <http://www.law.pitt.edu/hibbitts/jurist.htm> (1996 - present); Member, Technology and Distance Learning Committee, American Bar Association Section of Legal Education and Admissions to the Bar (1998 - 2002).

Admitted to Practice, District of Columbia (1993); also admitted to Virginia Bar (1991) (bar memberships currently inactive).