

**CURRICULUM VITA
MARK SEIDENFELD**

WORK ADDRESS:

Florida State University
College of Law
Tallahassee, FL 32306

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HOME ADDRESS:

317 Oaks Will Ct.
Tallahassee, FL 32312

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PERSONAL INFORMATION:

Date of Birth: March 4, 1954

EDUCATION:

J.D., **Stanford Law School**, 1983 (Order of the Coif; Senior Articles Editor, Stanford Law Review)

M.A., **Brandeis University**, Theoretical Physics, 1979

B.A., **Reed College**, 1975 (Phi Beta Kappa)

LEGAL WORK EXPERIENCE:

Professor, **Florida State University College of Law** (Assoc. Dean of Academic Affairs, 2002-2003 & 2005-2007; Patricia A. Dore Professor of Administrative Law; 2002-present; Full Prof. 1997-2002; Assoc. Prof. 1992-1997; Ass't. Prof. 1987-1992)

Visiting Scholar, **University of Minnesota Law School** (spring 1994)

Visiting Professor, **William Mitchell College of Law** (1991-1992)

Assistant Counsel, **New York State Public Service Commission** (1984-1987)

Judicial Clerk, **The Honorable Patricia M. Wald**, United States Court of Appeals for the D.C. Circuit (1983-1984)

Summer Clerk, **Morrison & Foerster**, San Francisco, CA (1983)

Summer Clerk, **Wickwire, Lewis, Goldmark & Schorr**, Seattle, WA (1982)

Summer Clerk, **Sutherland, Asbill & Brennan**, Washington, DC (1981)

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OTHER WORK EXPERIENCE:

Research Physicist & Engineer, **Intel Corp.**, Aloha, OR (1978-1980) (received patent for high speed, low power computer memory technology)

Instructor of Physics, **Brandeis University** (1975-1978)

BOOKS:

MARK SEIDENFELD, MICROECONOMIC PREDICATES TO LAW AND ECONOMICS (Anderson Publishing Co. 1996)

ARTICLES:

Mark Seidenfeld, *Why Agencies Act*, __ Ohio St. L.J. __ (forthcoming 2009)

Brian Galle & Mark Seidenfeld, *Administrative Law's Federalism: Preemption, Delegation and Agencies at the Edge of Federal Power*, __ DUKE L.J. __ (forthcoming 2008)

Mark Seidenfeld, *In Search of Robin Hood: Suggested Legislative Responses to Kelo*, 23 J. LAND USE & ENVTL. L. 305 (2008)

Mark Seidenfeld, *The Quixotic Quest for a "Unified" Theory of the Administrative State*, ISSUES IN LEGAL SCHOLARSHIP: THE REFORMATION OF AMERICAN ADMINISTRATIVE LAW (bepress 2005) (available at <http://www.bepress.com/ils/iss6/>)

Mark Seidenfeld & Janna Satz Nugent, *The Friendship of the People: Citizen Participation in Environmental Enforcement*, 73 GEO. WASH. L. REV. 269 (2005)

Mark Seidenfeld, *Pyrrhic Political Penalties: Why the Public Would Lose Under the "Penalty Default Canon"*, 72 GEO. WASH. L. REV. 724 (2004)

Mark Seidenfeld, *Cognitive Loafing, Social Conformity, and Judicial Review of Agency Rulemaking*, 87 CORNELL L. REV. 486 (2002) (invited paper)

Mark Seidenfeld, *The Psychology of Accountability and Political Review of Agency Rules*, 51 DUKE L.J. 1059 (2001) (invited paper)

Mark Seidenfeld, *An Apology for Administrative Law in A Contracting State*, 28 FLA. ST. U. L. REV. 215 (2000) (invited paper)

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Mark Seidenfeld & Jim Rossi, *The False Promise of The New Nondelegation Doctrine*, 76 NOTRE DAME L. REV. 1 (2000)

Mark Seidenfeld, *Empowering Stakeholders: Limits on Collaboration as the Basis for Flexible Regulation*, 41 WM. & MARY L. REV. 411 (2000)

Mark Seidenfeld, *Bending the Rules: Flexible Regulation and Constraints on Agency Discretion*: 51 ADMIN. L. REV. 429 (1999)

Mark Seidenfeld, *Hard Look Review in a World of Techno-Bureaucratic Decisionmaking: A Reply to Professor McGarity*, 75 TEX. L. REV. 559 (1997)

Mark Seidenfeld, *Playing Games with the Timing of Judicial Review: An Evaluation of Proposals to Restrict Pre-Enforcement Review of Agency Rules*, 58 OHIO ST. L.J. 85 (1997)

Mark Seidenfeld, *Demystifying Deossification: Rethinking Recent Proposals to Modify Judicial Review of Notice and Comment Rulemaking*, 75 TEX. L. REV. 483 (1997)

Mark Seidenfeld, *A Big Picture Approach to Presidential Influence of Agency Policy Making*, 80 IOWA L. REV. 1 (1994)

Mark Seidenfeld, *A Syncopated Chevron: Emphasizing Reasoned Decision-Making in Reviewing Agency Interpretations of Statutes* 73 TEX. L. REV. 83 (1994)

Mark Seidenfeld, *A Civic Republican Justification for the Bureaucratic State*, 105 HARV. L. REV. 1511 (1992)

Mark Seidenfeld, *Some Jurisprudential Perspectives on Employment Sex Discrimination Law and Comparable Worth*, 21 RUTGERS L.J. 269 (1990)

Mark Seidenfeld, Note, *Sex-Based Wage Discrimination Under the Title VII Disparate Impact Doctrine*, 34 STAN. L. REV. 1083 (1982)

OTHER PUBLICATIONS:

Mark Seidenfeld, Jim Rossi and Keith Rizzardi, *Judicial Review*, in RECENT DEVELOPMENTS IN ADMINISTRATIVE LAW (J. Lubbers, ed., 2004) (book chapter)

Elizabeth Magill & Mark Seidenfeld, *Judicial Review*, in RECENT DEVELOPMENTS IN ADMINISTRATIVE LAW (J. Lubbers, ed., 2003) (book chapter)

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William S. Jordan, III, Jim Rossi & Mark Seidenfeld, *Judicial Review*, in RECENT DEVELOPMENTS IN ADMINISTRATIVE LAW (J. Lubbers, ed., 2002) (book chapter)

William S. Jordan, III & Mark Seidenfeld, *Judicial Review*, in RECENT DEVELOPMENTS IN ADMINISTRATIVE LAW (J. Lubbers, ed., 2001) (book chapter)

Mark Seidenfeld, *Rulemaking*, in RECENT DEVELOPMENTS IN ADMINISTRATIVE LAW (J. Lubbers, ed. 2000) (book chapter)

Mark Seidenfeld, *The Challenge of Teaching Administrative Law*, 38 BRANDEIS L.J. 293 (2000) (invited essay)

Mark Seidenfeld, *Requirements for Administrative Rulemaking*, 27 FLA. ST. U.L. REV. 533 (2000) (chart describing federal rulemaking requirements)

PRESENTATIONS:

Why Agencies Act?, Faculty workshop at University of Missouri School of Law (October, 2007)

A Review of Federal Administrative Law, State and Federal Government Administrative Practice Certification Review Course, Florida Bar, Administrative Practice, Environmental and Land Use, and Government Lawyers Sections (August 2007).

A Qualified Defense of Kelo, Florida State University Devoe L. Moore Center, Symposium on “Takings: The Uses and Abuses of Eminent Domain and Land Use Regulation” (April 2007)

Overview of Federal Administrative Law, CLE conference on Administrative Law, Florida Bar, Government Lawyers Section (April 2007)

Agency Decisions Whether to Regulate, Faculty Workshop, Southern Methodist University (October, 2006)

Comments on Common Law Remedies and Public Law Enforcement, “Symposium on the Law and Policy of Ecosystem Services,” at Florida State University College of Law, (April 2006)

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A Qualified Defense of Kelo: An Economic Analysis of Use of Eminent Domain to

Transfer Property from One Private Entity to Another, “Forum on Eminent Domain in Florida after *Kelo v City of New London* - Property Rights vs. Community Development,” Florida State University College of Law (November 2005)

Agency Decisions to Act, conference on “Administrative Law and Process in the U.S. and Abroad: Cross-Disciplinary Perspectives,” University of San Diego School of Law and the University of California San Diego Department of Political Science and Graduate School of International Relations and Pacific Studies (January 2005)

Agency Decisions to Act, Symposium on Behavioral Law & Economics, Florida State University College of Law (March 2004)

Legislative Oversight of Administrative Agencies, (Panel Moderator) AALS Annual Meeting, Atlanta, January 2004

Citizen Participation in Environmental Enforcement, Faculty Workshop, American University Law School (November 2003)

An Overview of Federal Administrative Law and Practice, CLE Program (Florida Bar Section on Administrative Law, June 2003)

A Federal Perspective on Administrative Law, Pat Dore Conference on Florida Administrative Law (Florida Bar Section on Administrative Law, Oct. 2002)

Recent Developments in Judicial Review, 2002 Administrative Law Conference, ABA Section on Administrative Law and Regulatory Practice (Oct. 2002)

Microeconomics as a Means of Evaluating Legal Rules, Annual Education Meeting Florida Circuit Judges Conference (September, 2002.)

Making Sense of *Mead*, Fall Meeting of the ABA Section on Administrative Law and Regulatory Practice (November 2001)

Cognitive Loafing, Social Conformity, and Judicial Review of Agency Rulemaking, Faculty Workshop, University of San Diego Law School (April 2001)

Expert Group Decisionmaking and Judicial Review, Symposium at Cornell Law School on “Getting Beyond Cynicism: New Theories of the Regulatory State” (March 2001)

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The Psychology of Accountability and Political Review of Agency Rules, Duke Law School Administrative Law Conference on “Politics and Agency Rulemaking” (March

2001)

A Coherent Approach to Less than Informal Rulemaking, Administrative Law Section of the AALS Annual Meeting (January 2001)

Interest Group Dynamics and Collaborative Environmental Regulation, Environmental Workshop, Environmental and Natural Resources Law and Policy Program, Stanford Law School (Mar. 2000)

Comments on “The Contracting State,” an invited response to Jody Freeman at the FSU College of Law Symposium on “Regulatory Theory and Administrative Law@” (Feb. 2000)

Recent Developments on Rulemaking, 1999 Administrative Law Conference, ABA Section on Administrative Law and Regulatory Practice (Oct. 1999)

Limits on Collaboration as the Basis for Flexible Regulation, Invited Paper presented at the Southeast American Association of Law Schools Conference (July 1999)

Demystifying Deossification: The Flight from Hard Look Review, Faculty Workshop, University of Florida College of Law (September 1996)

A Syncopated Chevron, Invited Paper presented at the Administrative Law Section of the AALS Annual Meeting (January 1994)

Reasoned Decision-Making and Judicial Review of Agency Statutory Interpretation, Faculty Workshop at Florida State University College of Law (March 1993)

Presidential Control Of Agency Policy, Legal Studies Seminar at Florida State University College of Law (October 1992)

Presidential Review of Agency Rulemaking, Faculty Workshop at William Mitchell College of Law (March 1992)

HONORS & AWARDS:

Teaching Incentive Program Award, Florida State University-wide award for excellence in teaching (1996)

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COURSES TAUGHT:

Administrative Law (1987 - present)

Antitrust (1990)

Topics in Administrative Law Seminar (2001- 2002)

Constitutional Law I (Powers) (1991, 1996-present)

Constitutional Law II (Liberties) (1992)

Economic Regulation of Business (1991, 1993, 1996-98)

Environmental Law (1992 - 2002)

Federal Indian Law (1999)

Law & Economics (1988-92, 1995, 1997, 2003, 2007)

Legislation (2004)

Telecommunications Law (2003 – 2005)

Mass Media Law (1988-1991, 1993, 1995, 2008)

Regulation of Utilities (1988-89)

SERVICE:

Chair, ABA Section of Administrative Law and Regulatory Practice, Committee on Judicial Review (2000 - 2004)

Vice Chair, ABA Section of Administrative Law and Regulatory Practice, Committee on Rulemaking (1997 - present)

Member of the Executive Committee, AALS Section on Administrative Law (1999-2004)

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Organizer of an Academic Conference on “Regulatory Theory and Administrative Law”, at FSU College of Law (Feb. 2000)

Associate Dean for Academic Affairs, FSU College of Law (May, 2002 – August, 2003; May, 2005 – August 2007)

Chair, FSU College of Law Faculty Appointments Committee (2003-04)

Chair, FSU College of Law Promotion and Tenure Committee (2001-02, 2004-05)

Chair, FSU College of Law Curriculum Committee (2004-05)

Chair, FSU College of Law Admissions Committee (2000-01)

Chair, FSU College of Law Academic Enrichment (Speakers) Committee (1990-91; 1996-98)

ONGOING RESEARCH PROJECTS:

Currently I am working on two projects: the first addresses the propensity of an agency to take action on a problem within its jurisdiction, considering the psychology of motivation and various cognitive biases towards and away from action; the second, responds to recent scholarship suggesting that courts should restrict the extent to which agencies regulate in matters that raise federalism concerns. I am working on the second project with my colleague, Brian Galle. Based on a proposal we made describing the article, the Duke Law Journal has agreed not only to publish it, but in fact to make it the focus of its next symposium on Administrative Law.