

JONATHAN H. ADLER

Case Western Reserve University School of Law
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LAW SCHOOL FACULTY POSITIONS

CASE WESTERN RESERVE UNIVERSITY, Cleveland, OH

Inaugural Johan Verheij Memorial Professor of Law, 2011 – Present

Professor of Law (with tenure), July 2006 – Present

Associate Professor of Law, May 2004 – 2006

Assistant Professor of Law, July 2001 – 2004

Courses taught: Administrative Law, Constitutional Law I, Constitutional Law II (First Amendment), Election Law Seminar, Energy Law, Environmental Law, Environmental Law Seminar, International Environmental Law, International Environmental Law Seminar, Legislation & Regulation, Property.

Committees and Service: Curriculum Committee (Chair, 2020-21); Appointments Committee (2009-12; Chair, 2015-19, 2021-2024), Provost Search Committee (2017-18); Dean Search Committee (2015), Strategic Planning Executive Committee (Co-Chair, 2012-2014), Standing Committee on Experiential Learning (2011-2013), Standing Committee on Washington, D.C. Program (2011), Provost's Advisory Committee for Promotion and Tenure (2008), Ad Hoc Committee on Bar Passage (2007-2008), Promotion & Tenure Committee (2006-2007, 2008-09), Judicial Clerkship Committee (2004-Present), Building Committee (2003-2006), Rankings Evaluation Committee (2003-04), Library & Technology Committee (2002-2006, Chair 2002-03), Upper-Level Writing Requirement Committee (2002-2003), RAW Program Evaluation Committee (2001-2003)

Founding Director, Coleman P. Burke Center for Environmental Law, May 2019-Present

Faculty Affiliate, Swetland Center for Environmental Health, February 2020-Present

Director, Center for Business Law & Regulation, January 2007 – May 2019

Co-Director, Center for Business Law & Regulation, July – December 2006

Associate Director, Center for Business Law & Regulation, July 2003 – 2006

GEORGE MASON UNIVERSITY SCHOOL OF LAW, Arlington, Virginia

Visiting Associate Professor of Law, Fall 2005

AWARDS AND HONORS

Seventh Most Cited Law Professor in Administrative and/or Environmental Law, 2019-2023, Brian Leiter's Law School Rankings, September 2024.

Appointed as a Public Member of the Administrative Conference of the United States, August 2024.

Case Western Reserve University School of Law Faculty Service Prize (2022-23).

Case Western Reserve University School of Law Distinguished Research Award (2021-22).

Fifth Most Cited Law Professor in Administrative and/or Environmental Law, 2016-2020, Brian Leiter's Law School Rankings, November 2021.

Elected member of American Law Institute (2018).

Eighth Most Cited Law Professor in Public Law (excluding Constitutional Law), 2013-2017, Brian Leiter's Law School Rankings, August 2018.
(Only professor in top 10 under age 50 at time of study.)

Eighth Most Cited Law Professor in Administrative and/or Environmental Law, 2010-2014, Brian Leiter's Law School Rankings, May 2016.
(Only professor in top 10 under age 50 at time of study.)

Case Western Reserve University School of Law Distinguished Research Award (2014-15).

Top 14 Health Care Mover & Shaker, *American Healthline* (2014).

Distinguished Alumnus Award, Friends Central School (2012).

Inaugural holder of the Johan Verheij Memorial Professorship at the Case Western Reserve University School of Law (2011).

LAND USE AND ENVIRONMENT LAW REVIEW 2009-10 (compendium of ten best articles in land-use and environmental law), *Money or Nothing: The Adverse Environmental Consequences of Uncompensated Land-Use Controls*, 49 BOSTON COLLEGE LAW REVIEW 301 (2008).

Finalist, LAND USE AND ENVIRONMENT LAW REVIEW 2008-09 (compendium of ten best articles in land-use and environmental law), *When Is Two a Crowd: The Impact of Federal Action on State Environmental Regulation*, 31 HARVARD ENVIRONMENTAL LAW REVIEW 67 (2007).

2007 Distinguished Teacher Award, Case Western Reserve University School of Law Alumni Association.

Honorable Mention, Most Cited Law Professors by Specialty 2000-07 (Environmental Law), Brian Leiter's Law School Rankings, November 2007.
(Only professor listed under age 40 at time of study.)

2004 Paul M. Bator Award in Recognition of Excellence in Legal Scholarship, Outstanding Commitment to Teaching and Law Students, and the Significant Public Impact of His Work, Federalist Society for Law & Public Policy Studies.

2001 Distinguished Young Alumnus Award, George Mason University School of Law.

Finalist, LAND USE AND ENVIRONMENT LAW REVIEW 2001-02 (compendium of ten best articles in land-use in environmental law), *Free and Green: A New Approach to Environmental Protection*, 24 HARVARD JOURNAL OF LAW & PUBLIC POLICY 653 (2001).

Finalist, LAND USE AND ENVIRONMENT LAW REVIEW 2001-02 (compendium of ten best articles in land-use in environmental law), *The Ducks Stop Here? The Environmental Challenge to Federalism*, 9 SUPREME COURT ECONOMIC REVIEW 205 (2001).

SCHOLARSHIP

Works in Progress

Commandeering before New York v. United States

Standing to Sue the FDA

LET FIFTY FLOWERS BLOOM: ENVIRONMENTAL FEDERALISM FOR THE 21ST CENTURY
(Cambridge University Press, forthcoming).

Is the Business of the Court Still Business? THE ANNALS OF THE AMERICAN ACADEMY OF
POLITICAL AND SOCIAL SCIENCE (symposium, invited)

Climate Change and Constitutional Overreach, DRAKE LAW REVIEW (symposium, invited)

Books

Editor, CLIMATE LIBERALISM: PERSPECTIVES ON LIBERTY, PROPERTY AND POLLUTION,
Palgrave Studies in Classical Liberalism (Springer Nature, 2023).

Editor, MARIJUANA FEDERALISM: UNCLE SAM AND MARY JANE (Brookings Institution
Press, 2020).

Editor, BUSINESS AND THE ROBERTS COURT (Oxford University Press, 2016).

Co-Author, A CONSPIRACY AGAINST OBAMACARE: THE VOLOKH CONSPIRACY AND THE
HEALTH CARE CASE (Palgrave, 2013).

Editor, REBUILDING THE ARK: NEW PERSPECTIVES ON ENDANGERED SPECIES ACT
REFORM (AEI Press, 2011).=

Editor, ECOLOGY, LIBERTY & PROPERTY: A FREE MARKET ENVIRONMENTAL READER
(2000).

Editor, THE COSTS OF KYOTO: CLIMATE CHANGE POLICY AND ITS IMPLICATIONS (1997).

ENVIRONMENTALISM AT THE CROSSROADS: GREEN ACTIVISM IN AMERICA (1995).

Law Review Articles

Permitting the Future: Introduction, CASE WESTERN RESERVE LAW REVIEW (2024, forthcoming) (symposium)

Speech Regulation and Tobacco Harm Reduction (with Jacob James Rich), 5 JOURNAL OF FREE SPEECH LAW 103 (2024) (symposium, invited).

The Delegation Doctrine, HARVARD JOURNAL OF LAW & PUBLIC POLICY *PER CURIAM* (Summer 2024) (symposium, invited).

Standing without Injury, 59 WAKE FOREST LAW REVIEW 1 (2024).

Tarnished Gold: The Endangered Species Act at 50, 18 FIU LAW REVIEW 385 (2024) (symposium, invited).

The Clean Water Act at 50: Is the Act Obsolete? 73 CASE WESTERN RESERVE LAW REVIEW 207 (2022) (symposium).

West Virginia v EPA: Some Answers about Major Questions, 2022 CATO SUPREME COURT REVIEW 37 (2022) (invited).

Displacement and Preemption of Climate Nuisance Claims, 17 JOURNAL OF LAW, ECONOMICS, & POLICY 217 (2022) (symposium, invited).

Super-Deference and Heightened Scrutiny, 74 FLORIDA LAW REVIEW 267 (2022).

The Legal and Administrative Risks of Climate Regulation, 51 ENVIRONMENTAL LAW REPORTER 10485 (2021).

All the President's Papers, 2019-20 CATO SUPREME COURT REVIEW (2020) (invited).

Conservative Minimalism and the Consumer Financial Protection Bureau, UNIVERSITY OF CHICAGO LAW REVIEW ONLINE (2020) (symposium, invited).

Uncooperative Environmental Federalism 2.0, 71 HASTINGS LAW JOURNAL 1101 (2020) (symposium, invited).

Delegation and Time (w/ Christopher Walker), 105 IOWA LAW REVIEW 1931 (2020).

Introduction: Property in Ecology, 59 NATURAL RESOURCES JOURNAL x (2019) (symposium).

Auer Evasions, 16 GEORGETOWN JOURNAL OF LAW & PUBLIC POLICY 1 (2018) (symposium, invited).

- Regulatory Obstacles to Harm-Reduction: The Case of Smoking*, 11 NYU JOURNAL OF LAW & LIBERTY 712 (2017) (symposium, invited).
- Introduction: In Search of the Pro-Business Court*, 67 CASE WESTERN RESERVE LAW REVIEW 681 (2017) (symposium).
- Is the Clean Air Act Unconstitutional? Coercion, Cooperative Federalism, and Conditional Spending after NFIB v. Sebelius* (w/ Nathaniel Stewart), 43 ECOLOGY LAW QUARTERLY 671 (2016).
- Baptists, Bootleggers, and Electronic Cigarettes* (w/ Roger Meiners, Andrew Morriss & Bruce Yandle), 33 YALE JOURNAL ON REGULATION 313 (2016).
- Compelled Commercial Speech and the Consumer Right-to-Know*, 58 ARIZONA LAW REVIEW 421 (2016).
- The Science Charade in Species Conservation*, 24 SUPREME COURT ECONOMIC REVIEW 109 (2016) (symposium, invited).
- Persistent Threats to Commercial Speech*, 25 JOURNAL OF LAW & POLICY 289 (2016) (symposium, invited).
- Restoring Chevron's Domain*, 81 MISSOURI LAW REVIEW 983 (2016) (symposium, invited).
- Anti-Disruption Statutory Construction*, 38 CARDOZO LAW REVIEW 509 (2016) (symposium, invited).
- The Senate Has No Constitutional Obligation to Consider Nominees*, 24 GEORGE MASON L. REV. 15 (2016) (symposium, invited).
- Category Errors and Executive Power*, 11 FIU. LAW REVIEW 357 (2016) (symposium, invited).
- Of Kings to Come: The Future of Health Care Reform Still Remains in Federal Court*, 20 JOURNAL OF EMPLOYEE RIGHTS AND EMPLOYMENT POLICY 133 (2016) (symposium, invited).
- King v. Burwell and the Triumph of Selective Contextualism* (w/ Michael Cannon), 15 CATO SUPREME COURT REVIEW 35 (2015) (invited).
- Dynamic Environmentalism and Adaptive Management: Legal Obstacles and Opportunities*, 11 JOURNAL OF LAW, ECONOMICS & POLICY 133 (2015) (symposium, invited).
- Symposium Introduction: Marijuana, Federal Power & the States*, 65 CASE WESTERN RESERVE UNIVERSITY SCHOOL OF LAW 505 (2015) (symposium).
- Robert Bork & Commercial Speech*, 10 JOURNAL OF LAW, ECONOMICS & POLICY 615 (2014) (symposium, invited).

- Climate Balkanization: Dormant Commerce and the Limits of State Energy Policy*, 3 LSU JOURNAL OF ENERGY LAW AND RESOURCES 153 (2014) (symposium, invited).
- The Conflict of Visions in NFIB v. Sebelius*, 62 DRAKE LAW REVIEW 937 (2014) (symposium, invited).
- Conservative Principles for Environmental Reform*, 23 DUKE ENVIRONMENTAL LAW & POLICY FORUM 253 (2013) (symposium, invited).
- Placing “Reins” on Regulations: Assessing the Proposed REINS Act*, 16 NYU JOURNAL OF LEGISLATION & PUBLIC POLICY 1 (2013) (symposium, invited).
- Learning How to Fish: Catch Shares and the Future of Fishery Conservation* (with Nathaniel Stewart), 31 UCLA ENVIRONMENTAL LAW & POLICY REVIEW 150 (2013).
- Taxation without Representation: The Illegal IRS Rule to Expand Tax Credits under the PPACA* (with Michael Cannon), 23 HEALTH MATRIX: JOURNAL OF LAW-MEDICINE 119 (2013).
- Wetlands, Property Rights, and the Due Process Deficit in Environmental Law*, 12 CATO SUPREME COURT REVIEW 139 (2012) (invited).
- Water Rights, Markets, and Changing Ecological Conditions*, 42 ENVIRONMENTAL LAW 93 (2012) (symposium, invited)).
- Eyes on a Climate Prize: Rewarding Energy Innovation to Achieve Climate Stabilization*, 35 HARVARD ENVIRONMENTAL LAW REVIEW 1 (2011).
(Selected to be excerpted in annual ENVIRONMENTAL LAW AND POLICY REVIEW issue of ENVIRONMENTAL LAW REPORTER (2012)).
- Interstate Competition and the Race to the Top*, 35 HARVARD JOURNAL OF LAW & PUBLIC POLICY 89 (2011) (symposium, invited).
- The Supreme Court Disposes of a Nuisance Suit: American Electric Power v. Connecticut*, 2010-11 CATO SUPREME COURT REVIEW 295 (2011) (invited).
- A Tale of Two Climate Cases*, 121 YALE LAW JOURNAL ONLINE 109 (2011) (symposium, , invited)).
- Cooperation, Commandeering or Crowding Out? Federal Intervention and State Choices in Health Care Policy*, 20 KANSAS JOURNAL OF LAW & PUBLIC POLICY 199 (2011) (symposium, invited).
- Introduction – Symposium on Commercial Speech and Public Health*, 21 HEALTH MATRIX 1 (2011) (symposium).

Heat Expands All Things: The Proliferation of Greenhouse Gas Regulation under the Obama Administration, 34 HARVARD JOURNAL OF LAW & PUBLIC POLICY 421 (2011) (symposium, invited).

The Rest Is Silence: Chevron Deference, Agency Jurisdiction, and Statutory Silences (with Nathan Sales), 2009 UNIVERSITY OF ILLINOIS LAW REVIEW 1497 (2009).

Standing Still in the Roberts Court, 59 CASE WESTERN RESERVE LAW REVIEW 1061 (2009) (symposium).

Taking Property Rights Seriously: The Case of Climate Change, SOCIAL PHILOSOPHY & POLICY, vol. 26, No. 2 (2009) (symposium, invited).

Business, the Environment, and the Roberts Court: A Preliminary Assessment, 49 SANTA CLARA LAW REVIEW 943 (2009) (symposium).

Money or Nothing: The Adverse Environmental Consequences of Uncompensated Land-Use Controls, 49 BOSTON COLLEGE LAW REVIEW 301 (2008).
(Selected for inclusion in LAND USE AND ENVIRONMENTAL LAW REVIEW 2009-10, compendium of ten best articles on land use or environmental law in 2008.)

Getting the Roberts Court Right: A Response to Chemerinsky, 54 WAYNE LAW REVIEW 983 (2008) (symposium, invited).

Water Marketing as an Adaptive Response to the Threat of Climate Change, 31 HAMLINE LAW REVIEW 730 (2008) (symposium, invited).

Introduction: Common Law Environmental Protection (w/ Andrew Morriss), 58 CASE WESTERN RESERVE LAW REVIEW 575 (2008) (symposium).

Reforming Our Wasteful Hazardous Waste Policies, 17 NYU ENVIRONMENTAL LAW JOURNAL 724 (2008) (symposium, invited).

Hothouse Flowers: The Vices and Virtues of Climate Federalism, 17 TEMPLE POLITICAL AND CIVIL RIGHTS LAW REVIEW 443 (2008) (symposium, invited).

God, Gaia, The Taxpayer and the Lorax: Standing, Justiciability, and Separation of Powers after Massachusetts and Hein, 20 REGENT UNIVERSITY LAW REVIEW 175 (2008) (symposium, invited).

When Is Two a Crowd: The Impact of Federal Action on State Environmental Regulation, 31 HARVARD ENVIRONMENTAL LAW REVIEW 67 (2007).
(Finalist, LAND USE AND ENVIRONMENTAL LAW REVIEW 2008-09, compendium of ten best articles on land use or environmental law in 2007.)

Massachusetts v. EPA Heats Up Climate Policy No Less than Administrative Law: A Comment on Professors Watts and Wildermuth, 102 NORTHWESTERN LAW REVIEW COLLOQUY 32 (2007) (invited).

Warming Up to Climate Change Litigation, 3 VA. L. REV. IN BRIEF 61 (2007).

The Green Costs of Kelo: Economic Development Takings and Environmental Protection (with Ilya Somin), 84 WASHINGTON UNIVERSITY LAW REVIEW (2006).

Reckoning with Rapanos: Revisiting "Waters of the United States" and the Limits of Federal Wetland Regulation, 14 MISSOURI ENVIRONMENTAL LAW & POLICY REVIEW 1 (2006) (invited).

Judicial Federalism and the Future of Federal Environmental Regulation, 90 IOWA LAW REVIEW 377 (2005).

Back to the Future of Conservation: Changing Perceptions of Property Rights & Environmental Protection, 1 NYU JOURNAL OF LAW & LIBERTY 987 (2005) (symposium, invited).

Jurisdictional Mismatch in Environmental Federalism, 14 NYU ENVIRONMENTAL LAW JOURNAL 130 (2005) (symposium, invited).

Looking Ahead to the 2005-06 Term, CATO SUPREME COURT REVIEW 2004-05 (2005) (invited).

Is Morrison Dead? Assessing a Supreme Drug (Law) Overdose, 9 LEWIS & CLARK LAW REVIEW 751 (2005) (symposium, invited).

Conservation through Collusion: Antitrust as an Obstacle to Marine Resource Conservation, 61 WASHINGTON AND LEE LAW REVIEW 3 (2004).

Frank Meyer: The Fusionist as Federalist, PUBLIUS Vo. 34 No. 4 (Fall 2004) (symposium, invited).

The Fable of Federal Environmental Regulation, 55 CASE WESTERN RESERVE LAW REVIEW 93 (2004) (symposium, invited).

Remarks on Regulating Genetically Modified Foods: Is Mandatory Labeling the Right Answer?, 10 RICHMOND JOURNAL OF LAW & TECHNOLOGY (2004) (symposium, invited).

Fables of the Cuyahoga: Reconstructing a History of Environmental Protection, 14 FORDHAM ENVIRONMENTAL LAW JOURNAL 89 (2002).

Introduction: The Virtues and Vices of Skeptical Environmentalism (with Andrew Morriss), 53 CASE WESTERN LAW REVIEW 249 (2002) (symposium).

- Legal Obstacles to Private Ordering in Marine Fisheries*, 8 ROGER WILLIAMS UNIVERSITY LAW REVIEW 9 (2002) (symposium, invited).
(Excerpted in T. MERRILL & H. SMITH, PROPERTY: PRINCIPLES AND POLICIES (2007)).
- Let 50 Flowers Bloom: Transforming the States into Laboratories of Environmental Policy*, 31 ENVIRONMENTAL LAW REPORTER 11284 (2001).
- Stand or Deliver: Citizen Suits, Standing, and Environmental Protection*, 12 DUKE ENVIRONMENTAL LAW & POLICY FORUM 39 (2001) (symposium, invited).
- The Ducks Stop Here? The Environmental Challenge to Federalism*, 9 SUPREME COURT ECONOMIC REVIEW 205 (2001).
(Finalist, LAND USE AND ENVIRONMENTAL LAW REVIEW, ten best articles on land use or environmental law in 2001; reprinted in ECONOMICS OF CONSTITUTIONAL LAW (R. Epstein ed. 2009)).
- Free and Green: A New Approach to Environmental Protection*, 24 HARVARD JOURNAL OF LAW & PUBLIC POLICY 653 (2001).
(Finalist, LAND USE AND ENVIRONMENTAL LAW REVIEW, ten best articles on land use or environmental law in 2001.)
- The Cartagena Protocol and Biological Diversity: Biosafe or Bio-Sorry?* 12 GEORGETOWN INTERNATIONAL ENVIRONMENTAL LAW REVIEW 761 (2000)
(symposium, invited).
- More Sorry than Safe: Assessing the Precautionary Principle and the Proposed International Biosafety Protocol*, 35 TEXAS INTERNATIONAL LAW JOURNAL 173 (2000).
- Wetlands, Waterfowl, and the Menace of Mr. Wilson: Commerce Clause Jurisprudence and the Limits of Federal Wetlands Regulation*, 29 ENVIRONMENTAL LAW 1 (1999).
- The Green Aspects of Printz: The Revival of Federalism at Its Implications for Environmental Law*, 6 GEORGE MASON LAW REVIEW 573 (1998).

Book Contributions

- Nature and the Firm*, CLIMATE LIBERALISM: PERSPECTIVES ON LIBERTY, PROPERTY AND POLLUTION, Palgrave Studies in Classical Liberalism (Jonathan H. Adler ed., 2023).
- Introduction*, CLIMATE LIBERALISM: PERSPECTIVES ON LIBERTY, PROPERTY AND POLLUTION, Palgrave Studies in Classical Liberalism (Jonathan H. Adler ed., 2023).
- A 'Step Zero' for Delegations*, THE ADMINISTRATIVE STATE BEFORE THE SUPREME COURT: PERSPECTIVES ON THE NONDELEGATION DOCTRINE (Peter Wallison & John Yoo eds., AEI Press 2022).

- Introduction, MARIJUANA FEDERALISM: UNCLE SAM AND MARY JANE* (J. Adler ed., Brookings Institution Press, 2020).
- Environmental Protection: Final Frontier or Achilles Heel?* THE CAMBRIDGE HANDBOOK OF CLASSICAL LIBERAL THOUGHT (T. Henderson ed., 2018).
- Business as Usual? The Roberts Court and Environmental Law*, in BUSINESS AND THE ROBERTS COURT (J. Adler ed. 2016).
- Introduction: In Search of the Probusiness Court*, in BUSINESS AND THE ROBERTS COURT (J. Adler ed. 2016).
- The Ad Hoc Implementation and Enforcement of Health Care Reform*, in LIBERTY'S NEMESIS: THE UNCHECKED EXPANSION OF THE STATE (D. Reuter & J. Yoo eds., 2016)
- The Future of Health Care Reform Remains in Federal Court*, in THE FUTURE OF HEALTH CARE REFORM IN THE UNITED STATES (M. Schill & A. Malani eds., 2015).
- (various), A CONSPIRACY AGAINST OBAMACARE: THE VOLOKH CONSPIRACY AND THE AFFORDABLE CARE ACT (Trevor Burrus ed., 2013).
- Judicial Minimalism, the Mandate, and Mr. Roberts*, THE HEALTH CARE CASES: THE SUPREME COURT'S DECISION AND ITS IMPLICATIONS (N. Persily, G. Metzger, & T. Morrison, eds., 2013).
- The False Promise of Federalization*, in SILENT SPRING AT 50: THE FALSE CRISES OF RACHEL CARSON (A. Morriss, R. Meiners & P. Desrochers eds. 2012).
- Labeling the Little Things*, THE NANOTECHNOLOGY CHALLENGE (D. Dana ed., 2011).
- The Leaky Ark: The Failure of Endangered Species Regulation on Private Land*, REBUILDING THE ARK: NEW PERSPECTIVES ON ENDANGERED SPECIES ACT REFORM (J. Adler ed., 2011).
- The Problems with Precaution: A Principle without Principle*, CROP CHEMOPHOBIA (J. Entine ed., 2010).
- The Adverse Environmental Consequences of Uncompensated Land-Use Controls*, PROPERTY WRONGS: THE LAW AND ECONOMICS OF TAKINGS (B. Benson ed., 2010).
- Perverse Incentives and the Endangered Species Act*, ISSUES OF THE DAY: 100 COMMENTARIES ON CLIMATE, ENERGY, THE ENVIRONMENT, TRANSPORTATION, AND PUBLIC HEALTH POLICY (Ian W.H. Parry & Felicia Day eds., 2010).
- Taking Property Rights Seriously*, THE ENVIRONMENT: PHILOSOPHY AND POLICY (Ellen Frankel Paul, Fred D. Miller, Jr., and Jeffrey Paul, eds., Cambridge University Press, 2009).

Environment, THE ENCYCLOPEDIA OF LIBERTARIANISM (R. Hamowy ed., 2008).

Once More, With Feeling: Reaffirming the Limits of Clean Water Act Jurisdiction, THE SUPREME COURT AND THE CLEAN WATER ACT: FIVE ESSAYS ON *RAPANOS* (K. Wroth ed., Vermont Environmental Law Journal, 2007).

Marsh Madness, in INCENTIVES AND CONSERVATION: THE NEXT GENERATION OF ENVIRONMENTALISM (D. Benjamin ed., 2004).

Antitrust Barriers to Cooperative Fishery Management, in THE EVOLUTION OF PROPERTY RIGHTS IN FISHERIES (D. Leal ed., 2004).

Letting Fifty Flowers Bloom: Using Federalism to Spur Environmental Innovation, in THE JURISDYNAMICS OF ENVIRONMENTAL PROTECTION: CHANGE AND THE PRAGMATIC VOICE IN ENVIRONMENTAL LAW (J. Chen ed., 2004).

Do Conservation Conventions Conserve? in SUSTAINABLE DEVELOPMENT: PROMOTING PROGRESS OR PERPETUATING POVERTY? (J. Morris, ed. 2002).

The Precautionary Principle's Challenge to Progress, in GLOBAL WARMING AND OTHER ECO-MYTHS (R. Bailey, ed. 2002).

Clean Politics, Dirty Profits, in POLITICAL ENVIRONMENTALISM: GOING BEHIND THE GREEN CURTAIN (T. Anderson, ed., 2000).

Benchmarks (w/ Peter Cazamias), in THE TRUE STATE OF THE PLANET (R. Bailey, ed., 1995).

Clean Fuels, Dirty Air, in ENVIRONMENTAL POLITICS: PUBLIC COSTS, PRIVATE REWARDS (M. Greve and F. Smith, eds., 1992).

Monographs

Legal and Administrative Pitfalls that May Confront Climate Regulation, Niskanen Center, March 23, 2021.

Bootleggers, Baptists and E-Cigarettes (w/ R. Meiners, A. Morriss & B. Yandle), http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2557691 (2015).

A More Modest Court: The Ohio Supreme Court's Newfound Judicial Restraint (w/ Christina M. Adler) (Federalist Society for Law & Public Policy Studies, 2008).

Let Fifty Flowers Bloom: Transforming the State into Laboratories Environmental Policy (Federalism Project/American Enterprise Institute, 2001).

Greenhouse Policy without Regrets, Lead Author (Competitive Enterprise Institute, 2000).

Environmental Performance at the Bench: The EPA's Record in Federal Court POLICY STUDY NO. 269 (Reason Public Policy Institute, 2000).

Free Market Environmental Bibliography, 4th Edition, Editor (Competitive Enterprise Institute, 1996).

Property Rights, Regulatory Takings, and Environmental Protection (Competitive Enterprise Institute, 1996).

Time to Reopen the Clean Air Act: Clearing Away the Regulatory Smog (w/ K.H. Jones), POLICY ANALYSIS NO. 233 (Cato Institute, 1995).

Property Rights Reader, Editor (Competitive Enterprise Institute, 1995).

Taken to the Cleaners: A Case Study of the Overregulation of American Small Business POLICY ANALYSIS NO. 233 (Cato Institute, 1993).

Selected Essays & Reviews

Standing Up, NATIONAL REVIEW, September 2024.

The Restrained Roberts Court, NATIONAL REVIEW, July 31, 2023.

Failure to Recover: The Endangered Species Act at 50, PERC REPORTS, Summer 2023.

Uneducating Americans on Vaping (with Jacob James Rich), REGULATION, Summer 2023.

Is the Chevron Era about to End? (Review of T. Merrill, *The Chevron Doctrine: Its Rise and Fall, and the Future of the Administrative State*), REGULATION, Summer 2023.

On Universal Vacatur, the Supreme Court, and the D.C. Circuit, YALE JOURNAL ON REGULATION Notice & Comment Blog, March 1, 2023.

Andrew Koppelman's Half-Way Hayekianism (contribution to symposium on A. Koppelman's *Burning Down the House*), Balkinization, Nov. 28, 2022.

A Progressive Defense of Cost–Benefit Analysis (Review of *Reviving Rationality: Saving Cost–Benefit Analysis for the Sake of the Environment and Our Health* by Michael A. Livermore and Richard L. Revesz), REGULATION (Summer 2022).

Shadow Orders Keep Courts in Line, ENVIRONMENTAL FORUM, Jan/Feb 2022.

The Law of “. . . Or Else” (Review of P. Hamburger, *Purchasing Submission: Conditions, Power, and Freedom*), NATIONAL REVIEW, Dec. 27, 2021.

The Administrative Presidency Encounters Opportunistic Federalism (Review of F. Thompson, K. Wong, & B. Rabe, *Trump, the Administrative Presidency, and Federalism*), REGULATION (Winter 2021-22)

Markets and Dematerialization (Review of A. McAfee, *More From Less: The Surprising Story of How We Learned to Prosper Using Fewer Resources – and What Happens Next*), REGULATION (Winter 2021-22)

Conservatives Need to Engage in Climate Policy Debate, THE BULWARK, Aug. 20, 2021.

A Rearguard Defense of the Administrative State (review of C. Sunstein & A. Vermeule, *Law & Leviathan: Redeeming the Administrative State*), REGULATION, Summer 2021.

How Green Is the Roberts Court? THE ENVIRONMENTAL FORUM (Nov/Dec 2020) (cover story).

Taking Carbon to Court [Review of R. Lazarus, *The Rule of Five: Making Climate History at the Supreme Court*] THE NEW ATLANTIS (Fall 2020).

This Is the Real John Roberts, NEW YORK TIMES, July 7, 2020.

What Makes Marijuana Dispensaries Essential Businesses? Even When Federal Law Technically Prohibits Them, LITHUB, June 30, 2020.

Conservative Ideology and the Environment [Review of Turner & Isenberg, *The Republican Reversal: Conservative and the Environment From Nixon to Trump*], REGULATION (Summer 2020).

Is Administrative Law Immoral? (Review of Richard Epstein, *The Dubious Morality of Modern Administrative Law*), NATIONAL REVIEW, May 18, 2020.

A Reply to Our Interlocutors (w/ Christopher Walker), THE REGULATORY REVIEW, March 11, 2020

Reviving Congress's Ambition (w/ Christopher Walker), THE REGULATORY REVIEW, March 2, 2020.

Nondelegation for the Delegators (w/ Christopher Walker), REGULATION, Spring 2020

Trump Pulled Us Out of the Paris Accord. So What's the Conservative Playbook for Climate Change? LOS ANGELES TIMES, Nov. 5, 2019.

Not Mandates, But Facilitation and Encouragement, THE ENVIRONMENTAL FORUM, September/October 2019.

What's Wrong with Chevron Deference Is Congress, NATIONAL REVIEW, June 24, 2019.

Redefining Waters of the United States, REGULATION, Summer 2019.

- What the Lawless Obamacare Ruling Means* (w/ Abbe Gluck), THE NEW YORK TIMES, Dec. 15, 2018.
- Hostile Environment*, NATIONAL REVIEW, Oct. 15, 2018.
- Justice Kavanaugh's Wheelhouse: Administrative Law*, ADMINISTRATIVE & REGULATORY LAW NEWS, Fall 2018.
- Will Kavanaugh Curb Sloppy White House Deregulation?* THE NEW YORK TIMES, July 18, 2018.
- An Obamacare Case So Wrong It Has Provoked a Bipartisan Outcry*" (w/ Abbe Gluck), THE NEW YORK TIMES, June 19, 2018.
- Markets the Rule, Government the Exception,*" THE ENVIRONMENTAL FORUM, May/June 2018.
- Constitutionally Illiterate: Roy Moore Takes a Blinkered View of the Rule of Law*, THE WEEKLY STANDARD, Nov. 15, 2017.
- A Term for the Ages*, NATIONAL REVIEW ONLINE, Sept. 29, 2017.
- The Case for Fewer Lawyers* (review of B. Barros & S. Bibas, *Rebooting Justice*), WALL STREET JOURNAL, Sept. 7, 2017.
- Pangloss and the Bureaucrats* (review of A. Vermeule, *Law's Abnegation*), NATIONAL REVIEW, Feb. 6, 2017
- Accounting for Dynamic Nature*, PERC REPORTS, Summer 2016.
- An Administrative Law Fairy Tale*, LIBERTY LAW FORUM, Feb. 12, 2016.
- Redefining Waters of the United States*, PERC REPORTS, Winter 2015.
- Review of N. Klein, *This Changes Everything: Capitalism vs. the Climate* and N. Stern, *Why Are We Waiting? The Logic, Urgency, and Promise of Tackling Climate Change*, TIMES LITERARY SUPPLEMENT (November 13, 2015).
- Debate, King v. Burwell and the Validity of Federal Tax Subsidies under the Affordable Care Act*, 163 UNIVERSITY OF PENNSYLVANIA LAW REVIEW ONLINE 215 (2015), <http://www.pennlawreview.com/online/163-U-Pa-L-Rev-Online-215.pdf>.
- King v. Burwell: Desperately Seeking Ambiguity in Clear Statutory Text* (w/ Michael Cannon), 40 JOURNAL OF HEALTH POLITICS, POLICY & LAW 577 (2015) .
- Review of C. Murray, *By the People: Rebuilding Liberty without Permission*, ENGAGE, VOL. 16, NO. 3 (October 2015).

Bootleggers, Baptists, and E-Cigs (w/ R. Meiners, A. Morriss & B. Yandle), REGULATION (Spring 2015).

Learning How to Fish (w/ Nathaniel Stewart), REGULATION, Spring 2014.

The Conservative Record on Environmental Policy (review of J. Layzer, *Open for Business: Conservatives' Opposition to Environmental Regulation*), THE NEW ATLANTIS (Summer 2013).

Navigating the Coming Water Crisis (Review of L. Solomon, *America's Water and Wastewater Crisis: The Role of Private Enterprise*), LIBERTY LAW BLOG, July 12, 2013.

The D.C. Circuit Is Hardly in Crisis, THE ENVIRONMENTAL FORUM, May/June 2013.

The Magic of the Market: The Advantages of Catch-Share Fishing (with Nathaniel Stewart), THE MILKEN INSTITUTE REVIEW (Fourth Quarter 2012).

How Not to Label GM Foods, THE NEW ATLANTIS (Summer 2012).

Positive Steps, Silver Linings (with Nathaniel Stewart), NATIONAL REVIEW, July 30, 2012.

Is the Common Law the Free Market Solution to Pollution? CRITICAL REVIEW vol. 24, no. 1 (2012).

Some Shade of Green, NATIONAL REVIEW, December 31, 2011.

The Challenge of Regulating Objectively (review of D. Kysar, *Regulating from Nowhere: Environmental Law and the Search for Objectivity*), THE NEW ATLANTIS (Spring 2011).

Will the REINS Act Rein in Federal Regulation? REGULATION, vol. 34, no. 2 (2011).

(Mostly) Realism on Global Warming (review of R. Pielke Jr., *The Climate Fix: What Scientists and Politicians Won't Tell You about Global Warming*), REGULATION, vol. 34, no. 1 (2011).

The Constitutionality of the Individual Mandate in the Affordable Care Act (with Erik Jensen), BAR JOURNAL OF THE CLEVELAND METROPOLITAN BAR ASSOCIATION, March 2011.

The EPA's Carbon Footprint, REASON (March 2010).

The Record of the Roberts Court in Environmental Cases: Pro-Business or Pro-Government? ENGAGE, Vol. 11, No. 1 (2010).

The Clean Water Land Grab, REGULATION, vol. 32, no. 4 (2009-2010).

- Kindler, Gentler Cost-Benefit Analysis* (review of R. Revesz & M. Livermore, *Retaking Rationality: How Cost Benefit Analysis Can Better Protect the Environment and Our Health*), REGULATION, vol. 32, no. 4 (2009-2010).
- Conservation without Regulation: Property-Based Environmental Protection* (transcript of talk at University of Cincinnati College of Law), ENGAGE, vol. 10, Issue 2 (2009).
- Warming Up to Water Markets*, REGULATION, vol. 31, no. 4 (2008).
- The Green Bridge to Nowhere*, (review of J. Speth, *The Bridge at the End of the World: Capitalism, the Environment, and Crossing from Crisis to Sustainability*), THE NEW ATLANTIS (Fall 2008).
- An Animal to Save the World*, THE NEW ATLANTIS (Summer 2008).
- Backing Up Words with (Intelligent, Targeted) Action*, THE NEW REPUBLIC ONLINE, January 30, 2008.
- Anti-Conservation Incentives*, REGULATION, vol. 30, no. 4 (2007).
- Can the Golden State Catch a Greenhouse Waiver?*, ENGAGE (2007).
- Devaluing Science*, review of R. Pielke, *The Honest Broker: Making Sense of Science in Policy and Politics*, THE NEW ATLANTIS (Summer 2007).
- Don't Politicize Science (Unless You're on My Side)*, review of C. Mooney, *The Republican War on Science*, REGULATION (Spring 2007).
- Standing in the Hot-Seat: Climate Change Litigation*, ENGAGE, Vol. 8, No. 1 (2007).
- Prosecuting Journalists Would be Unprecedented and Unwise*, NATIONAL SECURITY LAW REPORT, Vol. 28, No. 3 (September 2006).
- Review of D. Schoenbrod, *Saving the Environment from Washington*, INDEPENDENT REVIEW, Vol. 10, No. 4 (Summer 2006).
- How to Protect Environmental Protections?* 25 ENVIRONMENTAL LAW REPORTER 10413 (2005) (roundtable transcript).
- A Vast-Right Wing Conspiracy: It's Neither Vast nor a Conspiracy. Discuss*, LEGAL AFFAIRS (May-June 2005).
- Conservation Cartels: How Competition Policy Conflicts with Environmental Protection*, REGULATION Vol. 27, No. 4 (2004).
- The Role of the Judiciary in Preserving Federalism*, 1 GEORGETOWN JOURNAL OF LAW & PUBLIC POLICY, Symposium Issue 49 (2002).

(Review) *Free Market Environmentalism Revised Edition*, 22 CATO JOURNAL 182 (2002).

Judicial Federalism Not Anti-Environment, ENVIRONMENTAL FORUM, vol. 19, No. 4 (2002).

Waste & the Dormant Commerce Clause – A Reply (response to Richard Epstein), 3 GREEN BAG 2D 353 (2000).

Faux Market Environmentalism, REGULATION, Vol. 23, No. 1 (2000).

Swamp Rules: The End of Federal Wetlands Regulation? REGULATION, Vol. 22, No. 2 (1999).

There's No Justice in EPA's Environmental Justice Policy, 6 CORPORATE ENVIRONMENTAL STRATEGY 183 (1999).

A New Environmental Federalism, FORUM FOR APPLIED RESEARCH AND PUBLIC POLICY (Winter 1998).

Bean Counting for a Better Earth: Environmental Enforcement at the EPA, REGULATION, Vol. 21, No. 2 (1998).

Rent-Seeking Behind the Green Curtain, REGULATION, Vol. 19, No. 4 (1996).

CONGRESSIONAL TESTIMONY

What's Wrong with the Supreme Court: The Big-Money Assault on Our Judiciary, Committee on the Judiciary, Subcommittee on Federal Courts, Oversight, Agency Action and Federal Rights, March 10, 2021.

Examining the Use of Administrative Actions in the Implementation of the Affordable Care Act, Committee on Ways and Means, Subcommittee on Oversight, U.S. House of Representatives, May 20, 2015.

Constitutional Considerations: State vs. Federal Environmental Policy Implementation, Subcommittee on Environment and the Economy, Committee on Energy and Commerce, U.S. House of Representatives, July 11, 2014.

IRS: Enforcing ObamaCare's New Rules and Taxes (with Michael Cannon), Committee on Oversight and Government Reform, U.S. House of Representatives, August 2, 2012.

The Endangered Species Act: Reviewing the Nexus of Science and Policy, Committee on Science, Space, and Technology Subcommittee on Investigations and Oversight, U.S. House of Representatives, October 13, 2011.

The REINS Act – Promoting Jobs and Expanding Freedom by Reducing Needless Regulations, Subcommittee on Courts, Commercial and Administrative Law, Committee on the Judiciary, U.S. House of Representatives, January 24, 2011

The Clean Water Restoration Act of 2007, Committee on Transportation and Infrastructure, U.S. House of Representatives, April 16, 2008.

Examining the Case for the California Waiver, Committee on Environment and Public Works, U.S. Senate, May 22, 2007.

The Scope of “Waters of the United States” after *Rapanos v. United States*, Subcommittee on Fisheries, Wildlife and Water, Committee on Environment and Public Works, U.S. Senate, August 1, 2006.

Gas Price Act of 2005, Committee on Environment and Public Works, U.S. Senate, October 18, 2005.

National Fish & Wildlife Foundation Establishment Act Amendments of 1997, Subcommittee on Fisheries, Conservation, Wildlife, and Oceans, U.S. House of Representatives, September 25, 1997.

The Right to Own Property, Committee on the Judiciary, U.S. Senate, October 18, 1995.

Private Property Rights and Environmental Laws, Committee on Environment and Public Works, U.S. Senate, July 12, 1995.

Flow Control and Interstate Transportation of Solid Waste, Subcommittee on Superfund, Waste Control, and Risk Assessment, U.S. Senate, March 1, 1995.

Private Property Rights, Subcommittee on the Constitution, U.S. House of Representatives, February 10, 1995.

CONFERENCES & SYMPOSIA

Director, “Permitting the Future,” Property & Environment Research Center Coleman P. Burke Center for Environmental Law, Case Western Reserve University School of Law, September 7-9, 2023.

Director, “The Clean Water Act at 50,” Coleman P. Burke Center for Environmental Law and CASE WESTERN RESERVE LAW REVIEW, Case Western Reserve University School of Law, April 8, 2022. ((Proceedings published as symposium in CASE WESTERN RESERVE LAW REVIEW (2020)).

Director, “Liberty Property and Pollution,” Papers Workshop, co-sponsored by the Coleman P. Burke Center for Environmental Law and the Institute for Humans Studies, October 16-17, 2021.

Co-Director, “Environmental Health and the Law,” Coleman P. Burke Center for Environmental Law and Law-Medicine Center, Case Western Reserve University School of Law, Mar. 27, 2020. (Proceedings published as symposium in *HEALTH MATRIX: THE JOURNAL LAW-MEDICINE* (2020)).

Director, “The Environmental Protection Agency Turns 50,” Coleman P. Burke Center for Environmental Law and *CASE WESTERN RESERVE LAW REVIEW*, Case Western Reserve University School of Law, Oct. 18, 2019. (Proceedings published as symposium in *CASE WESTERN RESERVE LAW REVIEW* (2020)).

Director, Research Workshop on “Property in Ecology,” Property & Environment Research Center and CWRU Center for Business Law & Regulation, Case Western Reserve University School of Law, November 9-11, 2017. (Proceedings published as symposium in *NATURAL RESOURCES JOURNAL* (2019)).

Co-Director, “First Amendment in the Regulatory State” Research Roundtable, Center for the Study of the Administrative State, George Mason University Antonin Scalia Law School, Arlington, VA, October 26-27, 2017.

Co-Director, “Rethinking Due Process” Research Roundtable, Center for the Study of the Administrative State, George Mason University Antonin Scalia Law School, Arlington, VA, January 26-27, 2017.

Director, 2016 Leet Symposium on Business and the Roberts Court, Center for Business Law and Regulation, Case Western Reserve University School of Law, September 23, 2016. (Proceedings published as symposium in *CASE WESTERN RESERVE LAW REVIEW* (2017)).

Director, “Environmental Law in the Administrative State” Research Roundtable, Center for the Study of the Administrative State, George Mason University School of Law, Arlington, VA, May 5-6, 2016.

Co-Director, “Are Corporate Wellness Programs Hazardous to Well-Being?” conference, Law-Medicine Center and the Center for Business Law & Regulation, Case Western Reserve University School of Law, April 15, 2016. (Proceedings published as symposium in *HEALTH MATRIX: THE JOURNAL LAW-MEDICINE* (2017)).

Director, “The Fusion of Liberty and Tradition,” Liberty Fund Colloquium, Cleveland, Ohio, March 5-8, 2015.

Director, “Marijuana, Federal Power & the States,” Center for Business Law & Regulation, Case Western Reserve University School of Law, September 12, 2014. (Proceedings published as symposium in *CASE WESTERN RESERVE LAW REVIEW* (2015)).

Guest Editor, *Health Matrix* (Special symposium issue on commercial speech and public health), Spring 2011.

Director, “Business Law & Regulation in the Roberts Court,” Center for Business Law & Regulation, Case Western Reserve University, September 16-17, 2010.

Director, “Regulation by Litigation Roundtable,” Center for Business Law & Regulation, Case Western Reserve University, September 25, 2009. (Proceedings published as book review symposium in REGULATION GOVERNANCE (2011)).

Director, “Rebuilding the Ark: New Perspectives on Endangered Species Act Reform,” American Enterprise Institute, September 15, 2009.

Director, “Civil Liberties in Wartime,” Liberty Fund Colloquium, Cleveland, Ohio, June 26-29, 2008.

Co-editor (with Andrew Morriss), “Common Law Environmental Protection,” paper-only symposium, CASE WESTERN RESERVE LAW REVIEW (2008)

Director, “Private Property, Government Takings, and Individual Liberty, Liberty Fund Colloquium, San Antonio, Texas, February 28-March 2, 2008.

Chair, “Scheme Liability: Section 10(b), and *Stoneridge Investment Partners v. Scientific Atlanta*,” co-sponsored by the Center for Business Law & Regulation and the Corporate Law Practice Group of the Federalist Society for Law & Public Policy Studies, Cleveland, Ohio, October 5, 2007.

Director, “Frank S. Meyer and the Fusion of Freedom and Tradition,” Liberty Fund Colloquium, Miami, Florida, December 12-15, 2006

Conference Co-Chair (with Dean Reuter), “Eminent Domain, Urban Renewal & The Constitution,” cosponsored by the Center for Business Law & Regulation and the Property Rights and Environmental Law Practice Group of the Federalist Society for Law & Public Policy Studies, Cleveland, Ohio, February 4, 2005.

Director, “Civil Liberties in Wartime,” Liberty Fund Colloquium, Miami, Florida, January 13-16, 2005.

Co-editor (with Andrew Morriss), “The Virtues and Vices of Skeptical Environmentalism,” paper-only symposium on Bjorn Lomborg’s *The Skeptical Environmentalist*, 53 CASE WESTERN RESERVE LAW REVIEW (2002).

Director, “The Costs of Kyoto: Climate Change Policy and Its Implications,” Competitive Enterprise Institute, Washington, D.C., July 15, 1997.

PEER REVIEW

Have conducted academic peer review of manuscripts and proposals for the following journals and publishers.

- AEI Press
- Aspen Publishers
- Cambridge University Press
- ELECTION LAW JOURNAL
- ENVIRONMENTAL HISTORY
- FOOD POLICY
- GLOBAL ENVIRONMENTAL POLITICS
- JOURNAL OF AGRICULTURAL & ENVIRONMENTAL ETHICS
- JOURNAL OF EMPIRICAL LEGAL STUDIES
- JOURNAL OF HEALTH POLITICS, POLICY AND LAW
- Mercatus Center, George Mason University
- NATURE CLIMATE CHANGE
- Oxford University Press

ADDITIONAL EMPLOYMENT EXPERIENCE

PROPERTY & ENVIRONMENT RESEARCH CENTER, Bozeman, MT

Senior Fellow, Fall 2011—Present

Lone Mountain Fellow, Summer 2009, Summer 2011

Julian Simon Summer Research Fellow, Summer 2004

Broadbent Summer Research Fellow, Summer 1998

MERCATUS CENTER, Arlington, VA

Visiting Senior Scholar, August 2005 – July 2006.

U.S. COURT OF APPEALS, DISTRICT OF COLUMBIA CIRCUIT, Washington, DC

Clerk for The Honorable David B. Sentelle, Circuit Judge, August 2000 – July 2001

KIRKLAND & ELLIS, Washington, DC

Summer Associate, Summer 2000

Law Clerk, Fall 1999 – April 2000

Summer Associate, Summer 1999

COMPETITIVE ENTERPRISE INSTITUTE, Washington, DC

Senior Fellow in Environmental Policy, September 1999 – May 2000

Director of Environmental Studies, July 1995 – May 1999

Associate Director of Environmental Studies, January 1994 – July 1995

Environmental Policy Analyst, June 1991 – January 1994

CATHOLIC UNIVERSITY, Washington, DC
Visiting Lecturer, Spring 1999
Course: Environmental Politics and Policy seminar

PROFESSIONAL ACTIVITIES

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES (ACUS)
Public Member, 2024 – Present

ACADEMIC FREEDOM ALLIANCE
Member, 2023 – Present

ENVIRONMENTAL LAW INSTITUTE, Washington, DC
Climate Judiciary Project Advisory Board, 2022-Present
Environmental Law Reporter and ELI Press Advisory Board, 2007 – Present.

OFFICE OF OHIO ATTORNEY GENERAL, Scientific Advisory Committee, Columbus, OH
Member, 2020 – Present

AMERICAN LAW INSTITUTE, Philadelphia, PA
Member, 2018 – Present

BIPARTISAN JUDICIAL ADVISORY COMMISSION, Ohio
Member, 2018, 2019, 2021

CENTER FOR THE STUDY OF THE ADMINISTRATIVE STATE, George Mason University
Antonin Scalia Law School, Arlington, VA
Advisory Council, 2019 – Present

ENERGY & ENTERPRISE INITIATIVE, Fairfax, VA
Advisory Council, 2013 – Present

FREE STATE FOUNDATION, Rockville, MD
Board of Academic Advisors, 2012 – Present

FOUNDATION FOR RESEARCH ON ECONOMICS & ENVIRONMENT, Bozeman, MT
Board of Trustees, 2008 – Present

MONT PELERIN SOCIETY
Member, 2004 – Present

CENTER FOR CONSTITUTIONAL JURISPRUDENCE, Claremont Institute, Claremont, CA
Academic Advisory Board, 2004 – 2020.

THE VOLOKH CONSPIRACY, Legal blog, <http://volokh.com>
Contributor, 2002 – Present.

SMALL BUSINESS LEGAL CENTER, National Federation of Independent Business
Advisory Board, August 2002 – November 2010, December 2013-Present.

NATIONAL REVIEW ONLINE

Contributing Editor, July 2002 – Present.

CATO SUPREME COURT REVIEW, Cato Institute, Washington, DC
Academic Advisory Board, February 2002 – Present.

AMERICA'S FUTURE FOUNDATION, Washington, DC
Member, Board of Directors, July 2001 – September 2006

INSTITUTE FOR HUMANE STUDIES

Felix Morley Journalism Competition Review Committee, 2001- 2009.

THE FEDERALIST SOCIETY, Washington, DC

Executive Committee, Environmental Law and Property Rights Practice Group,
July 2002 -- Present

Vice Chair, Environmental Law and Property Rights Practice Group, 1998 – May 2000

BAR ADMISSIONS

Virginia – October 2000

EDUCATION

GEORGE MASON UNIVERSITY SCHOOL OF LAW, Arlington, Virginia

Juris Doctor, May 2000

Graduated *Summa cum laude*; Class Valedictorian

George Mason Law Review, Articles Editor 1998-1999

Dean's Scholar (legal writing instructor), 1999-2000

Richard S. Murphy Prize (awarded for academic achievement in core courses), 1999

Adrian S. Fisher Award for best student law review article, 1997-98

First Place, First-Year Moot Court Competition, 1997

Senator Leroy S. Bendheim Scholarship, 1996-97

YALE UNIVERSITY, New Haven, Connecticut

Bachelor of Arts, History, May 1991

Graduated *Magna cum laude*

Distinction in Major

National Merit Scholar