Aaron L. Nielson

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Current Positions

Charles I. Francis Professor in Law, University of Texas School of Law (2025-present)

Senior Fellow, Civitas Institute of the University of Texas (2025-present)

Partner, Kirkland & Ellis LLP (2025-present)

Member, Lawyers Advisory Committee, U.S. Court of Appeals for the Fifth Circuit (2025-present)

Senior Fellow, Administrative Conference of the United States (2023–present)

Co-Chair, Antitrust Committee, American Bar Association's Section of Administrative Law & Regulatory Practice (2023–present)

Permanent Commentator, *Notice & Comment*, Yale Journal on Regulation (2015–present)

Education

Harvard Law School, J.D., *magna cum laude*, 2007
Awarded a Harvard Law School Post-Graduate Research Fellowship

University of Cambridge Faculty of Law, LL.M., 2006
Bateman Scholar of Trinity Hall

University of Pennsylvania, B.A. in Economics & Political Science, *summa cum laude*, 2003
Recipient of the Robert Holtz Memorial Award as Most Outstanding Political Science Graduate

Articles

Article II and the Civil Service, 113 VIRGINIA LAW REVIEW __ (2027) (with Christopher Walker)

The American Presidency Post-Slaughter, 140 HARVARD LAW REVIEW __ (2026)

Aggregating Original Meaning, 127 COLUMBIA LAW REVIEW __ (2026)

Saving Agency Adjudication, 105 TEXAS LAW REVIEW 1013 (2025) (with Christopher Walker & Melissa Wasserman)

Article II and the Federal Reserve, 108 CORNELL LAW REVIEW 843 (2024) (with Aditya Bamzai)

Congress's Anti-Removal Power, 76 VANDERBILT LAW REVIEW 1 (2023) (with Christopher Walker)

Gaming Certiorari, 170 UNIVERSITY OF PENNSYLVANIA LAW REVIEW 1329 (2022) (with Paul Stancil)

Narrowing Chevron's *Domain,* 70 DUKE LAW JOURNAL 931 (2021) (with Kristin Hickman)

The Minor Questions Doctrine, 169 UNIVERSITY OF PENNSYLVANIA LAW REVIEW 1181 (2021)

Qualified Immunity and Federalism, 109 GEORGETOWN LAW JOURNAL 229 (2020) (with Christopher Walker)

Sticky Regulations, 85 UNIVERSITY OF CHICAGO LAW REVIEW 85 (2018)

Clarence Thomas the Questioner, 111 NORTHWESTERN LAW REVIEW 1185 (2017);
111 NORTHWESTERN LAW REVIEW ONLINE 197 (2017) (with RonNell Andersen Jones)

Beyond Seminole Rock, 105 GEORGETOWN LAW JOURNAL 943 (2017)

Chevron *Step One-and-a-Half*, 84 UNIVERSITY OF CHICAGO LAW REVIEW 757 (2017) (with Daniel Hemel)

Confessions of an Anti-Administrativist, 131 HARVARD LAW REVIEW FORUM 1 (2017) (solicited response to the annual Harvard Law Review Foreword)

Strategic Immunity, 66 EMORY LAW JOURNAL 55 (2016) (with Christopher Walker)

The New Qualified Immunity, 89 SOUTHERN CALIFORNIA LAW REVIEW 1 (2015) (with Christopher Walker)

Visualizing Change in Administrative Law, 49 GEORGIA LAW REVIEW 757 (2015)

In Defense of Formal Rulemaking, 75 OHIO STATE LAW JOURNAL 237 (2014)

Reflections on the End of the Federal Law Clerks Hiring Plan, 112 MICHIGAN LAW REVIEW FIRST IMPRESSIONS 22 (2013)

Erie *as Nondelegation*, 72 OHIO STATE LAW JOURNAL 239 (2011)

Hiding Nondelegation in Mouseholes, 62 ADMINISTRATIVE LAW REVIEW 19 (2010) (with Jacob Loshin)

Articles (Symposia)

The Federal Reserve and Anti-Removal, 101 NOTRE DAME LAW REVIEW __ (2027)

The Future of the Administrative Procedure Act, 3 JOURNAL OF LAW & CIVIL GOVERNANCE __ (2027) (with Matthew Wiener)

Reflections on the Administrative Law Legacy of Judge Lawrence Silberman, 30 TEXAS REVIEW OF LAW & POLITICS __ (2026) (with Judge Justin Walker)

Congress's Anti-Removal Power in an Age of Political Polarization, 73 DRAKE LAW REVIEW __ (2026)

"Corrupting" Expertise in the Age of Loper Bright, 48 HARV. J.L. & PUB. POL'Y __ (2026)

The Early Years of Congress's Anti-Removal Power, 62 AMERICAN JOURNAL OF LEGAL HISTORY 219 (2023) (peer reviewed) (with Christopher Walker)

Qualified Immunity's 51 Imperfect Solutions, 17 DUKE JOURNAL OF CONSTITUTIONAL LAW & PUBLIC POLICY 321 (2022) (with Christopher Walker)

Civil Rights Litigation in the Lower Courts: Justice Barrett Edition, 112 JOURNAL OF CRIMINAL LAW & CRIMINOLOGY 145 (2022) (with Paul Stancil)

Deconstruction, Not Destruction, 150(3) DÆDALUS: THE JOURNAL OF THE AMERICAN ACADEMY OF ARTS & SCIENCES 143 (2021) (peer reviewed)

Three Wrong Turns in Agency Adjudication, 28 GEORGE MASON LAW REVIEW 657 (2021)

Foreword: The Future of Chevron *Deference,* 70 DUKE LAW JOURNAL 1015 (2021) (with Kristin Hickman)

Three Views of the Administrative State: Lessons from Collins v. Yellen*,* 2020-2021 CATO SUPREME COURT REVIEW 141 (2021)

Sticky Regulations and ~~Net Neutrality~~ Internet Freedom, 71 HASTINGS LAW JOURNAL 1208 (2020)

Policing Prosecutors: Lessons From Administrative Law?, 123 DICKINSON LAW REVIEW 713 (2019)

A Qualified Defense of Qualified Immunity, 93 NOTRE DAME LAW REVIEW 1853 (2018) (with Christopher Walker)

Optimal Ossification, 86 GEORGE WASHINGTON LAW REVIEW 1209 (2018)

How Agencies Choose Whether to Enforce the Law, 93 NOTRE DAME LAW REVIEW 1517 (2018)

Nonenforcement and the Dangers of Leveraging, 3 JOURNAL OF REGULATORY COMPLIANCE 19 (2018)

The Paradox of Discretionary Competition Law, 2 EUROPEAN COMPETITION AND REGULATORY LAW REVIEW 156 (2018)

Cf. Auer v. Robbins, 21 TEXAS REVIEW OF LAW & POLITICS 304 (2017)

The Future of Law Clerk Hiring, 98 MARQUETTE LAW REVIEW 181 (2014)

The Death of the Supreme Court's Certified Question Jurisdiction, 59 CATHOLIC LAW REVIEW 483 (2010)

Book Chapters and Introductions

Seila Law, LEADING CASES IN ADMINISTRATIVE LAW (ABA) (2026) (Christopher Walker & Matthew Wiener, eds.)

Introduction, LEGAL TERMINOLOGY IN ENGLISH by Kamal Alalaween (2025)

What Happens if the FTC Becomes a Serious Rulemaker?, RULEMAKING AUTHORITY OF THE US FEDERAL TRADE COMMISSION (2022) (Daniel Crane, ed.)

Other Publications

Getting Right with Scalia, CIVITAS OUTLOOK (Apr. 7, 2026)

Dishonor and the Civil Service, CIVITAS OUTLOOK (Mar. 30, 2026)

Major Questions Doctrine and its Bipartisan History, CIVITAS OUTLOOK (Mar. 16, 2026)

The Administrative State's Sludge, CIVITAS OUTLOOK (Feb. 24, 2026)

Twenty Years of Justice Alito, CIVITAS OUTLOOK (Jan. 30, 2026)

Why is the Federal Reserve Special—and Just How Special is It?, CIVITAS OUTLOOK (Jan. 20, 2026)

The Chief Justice's Big Idea, CIVITAS OUTLOOK (Jan. 6, 2026)

The Administrative State at a Crossroads, THE REGULATORY REVIEW (2025) (interviewed by David Bernstein)

Just Follow the Law, CIVITAS OUTLOOK (Dec. 17, 2025)

U.S. v. Lopez *at 30: The Court's Federalism Revolution Didn't Happen*, CIVITAS OUTLOOK (Dec. 1, 2025)

Supreme Court Term Preview: Presidential Power in Two Dimensions, CIVITAS OUTLOOK (Nov. 18, 2025)

The Struggle for the Shadow Dockets, CIVITAS OUTLOOK (Oct. 28, 2025)

Dallin Oaks: From Legal Giant to Leader of the Church of Jesus Christ of Latter-day Saints, CIVITAS OUTLOOK (Oct. 15, 2025)

Congress Should Declare the FTC's Rulemaking Authority, CIVITAS OUTLOOK (Sept. 22, 2025)

Humphrey's Executor and the Future of Presidential Power, CIVITAS OUTLOOK (Sept. 9, 2025)

The D.C. Circuit Makes It Easier to Access the Law, 49 ADMIN. & REG. L. NEWS, Fall 2023, at 23

Thoughts on the Unitary Executive from the D.C. Circuit, 48 ADMIN. & REG. L. NEWS, Summer 2023, at 18

The D.C. Circuit Explores Thunder Basin, 48 ADMIN. & REG. L. NEWS, Spring 2023, at 19

Honoring the Newest Section Fellow: Prof. Christopher Walker, 48 ADMIN. & REG. L. NEWS, Winter 2023, at 8

The D.C. Circuit Denies Rehearing En Banc Regarding FEC Nonenforcement, 48 ADMIN. & REG. L. NEWS, Winter 2023, at 23

The D.C. Circuit Addresses When a Rule Becomes Final, 48 ADMIN. & REG. L. NEWS, Fall 2022, at 13

The D.C. Circuit Addresses Administrative Severability, 47 ADMIN. & REG. L. NEWS, Summer 2022, at 13

It's Time for Congress to Set Internet Policy, BLOOMBERG NEWS (April 29, 2022)

The D.C. Circuit Explores Judicial Review Outside of APA, 47 ADMIN. & REG. L. NEWS, Spring 2022, at 13

Political Fights, Legal Fights, and the D.C. Circuit, 47 ADMIN. & REG. L. NEWS, Winter 2022, at 36

Balancing Sunlight with Security: The D.C. Circuit Repeatedly Addresses FOIA, 47 ADMIN. & REG. L. NEWS, Fall 2021, at 15

Too Early and Too Late: D.C. Circuit Repeatedly Addresses Timeliness, 46 ADMIN. & REG. L. NEWS, Summer 2021, at 15

D.C. Circuit Holds That Exhaustion Requirements Bar Challenge to Dual "For Cause" Removal Provisions Involving Administrative Law Judges, 46 ADMIN. & REG. L. NEWS, Spring 2021, at 15.

D.C. Circuit Takes on the Appointments Clause, 46 ADMIN. & REG. L. NEWS, Winter 2021, at 28

Public Identification of Agency Officials, THE REGULATORY REVIEW (2020) (with Bobby Ochoa)

Pandemic Proves Justice Thomas Does Have Something to Say, THE HILL (May 7, 2020) (with RonNell Andersen Jones)

State Court Docket Watch: Indiana Dep't of Natural Resources v. Prosser, FEDERALIST SOCIETY (2020)

Accessing Agency Procedure, THE REGULATORY REVIEW (2019)

How Agencies Should Use Waivers and Exemptions, THE REGULATORY REVIEW (2019) (with Jennifer Nou)

A(nother) New Plan for Clerkship Hiring, 102 JUDICATURE 70 (2018) (point/counterpoint debate with Chief Judge Diane Wood)

Judge Kavanaugh and Justiciability, SCOTUSBLOG (2018)

Waiver, Exemptions, and Prosecutorial Discretion: An Examination of Agency Nonenforcement Practices, Consultant Report, ADMINISTRATIVE CONFERENCE OF THE UNITED STATES (2017)

Reflections on Seminole Rock*: The Past, Present, and Future of Deference to Agency Regulatory Interpretations,* Online Symposium, *Notice & Comment, the Yale Journal of Regulation* (organizer & contributor)

ABA Developments in Administrative Law & Regulatory Practice 2015: Antitrust (2015) (with Marin Boney & Varnitha Siva)

Rethinking Formal Rulemaking, MERCATUS RESEARCH PAPER (May 2014) (peer reviewed)

ABA Developments in Administrative Law & Regulatory Practice 2014: Antitrust (2014) (with Marin Boney & Brad Masters)

The Law Clerk Hiring Plan is Dead, NATIONAL LAW JOURNAL (Feb. 11, 2013)

Whither Harmonization? India's Draft Combination Regulations, CPI ANTITRUST CHRONICLE (2011) (with Christine Wilson & Ellen M. Jakovic)

An Indirect Argument for Limiting Domestic Presidential Power, 30 HARV. J.L. & PUB. POL'Y 727 (2007) (student book review)

Granholm v. Heald, *Good History, Good Law (and by Coincidence Good Policy Too)*, 29 HARV. J.L. & PUB. POL'Y 743 (2006) (student comment)

No More 'Cherry-Picking': The Real History of the Twenty-first Amendment, 28 HARV. J.L. & PUB. POL'Y 281 (2004) (student note)

Works in Progress

Regulatory Warnings (consultant for project of the Administrative State of the United States)

In re Debs *and Implied Rights of Action* (assessing implied right of action for federal government)

Optimal Unpredictability (using game theory to assess when Congress legislates) (with Jeremey Kidd)

Research Interests

Administrative law concepts applied in both administrative law and non-administrative law contexts, especially federal courts, civil procedure, and antitrust. Regulatory design and procedure.

Teaching Experience

Administrative Law (2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023)

Civil Procedure (2013, 2014, 2016, 2017, 2018, 2019, 2021, 2022, 2025)

Federal Courts (2013, 2016, 2017, 2018, 2019, 2020, 2021, 2022)

Reading Group: The Future of Administrative Law in the U.S. Supreme Court (2024)

Select Scholarly Presentations

Moderator, "Conversation with the Circuit Justice," U.S. Court of Appeals for the Fifth Circuit Judicial Conference, Houston, TX, May 2026 (scheduled).

Presenter, "Article II and the Federal Reserve," University of Chicago Law School Constitutional Law Conference, Chicago, IL, April 2026 (scheduled).

Presenter, "Congress's Anti-Removal Power in an Age of Political Polarization," Drake Law Review Symposium, Drake University Law School, Des Moines, IA, April 2026.

Presenter, "Article II and the Federal Reserve," University of Michigan School of Law Conference on the Federal Reserve, Ann Arbor, MI, January 2026.

Presenter, "The Federal Reserve and Presidential Power," C. Boyden Center for the Study of the Administrative State Annual Conference, Washington, D.C., October 2025.

Moderator, "Judging After *Loper Bright*," C. Boyden Center for the Study of the Administrative State Annual Conference, Washington, D.C., October 2025.

Presenter, "Religious Liberty and the Death Penalty," Capital Punishment Center of the University of Texas School of Law, Austin, TX, April 2025.

Presenter, "Saving Agency Adjudication," Texas Law Review, University of Texas School of Law, Austin, TX, April 2025.

Presenter, "Major Questions Doctrine," U.S. Court of Appeals for the Fifth Circuit Judicial Conference, Austin, TX, May 2024.

Presenter, "Judge Silberman on Administrative Law," Judge Laurence Silberman's Intellectual Legacy, American Enterprise Institute, Washington, D.C. December 2023.

Presenter, "Optimal Uncertainty," Hebrew University and Yale Law School Law & Economics Conference, Jerusalem, Israel, March 2023.

Lecturer, "The U.S. Legal System(s)," Jordanian Bar Association, Amman, Jordan, February 2023.

Presenter, What Happens If the FTC Becomes a Serious Rulemaker?," Past, Present, and Future of FTC Rulemaking Authority, BYU Law Future of Antitrust Series, Washington, D.C. February 2023.

Lecturer, "Global Competition Law," Hebrew University Faculty of Law, Jerusalem, Israel, December 2022.

Moderator, "Trade Administrative Law and the Separation of Powers," Judicial Conference, U.S. Court of International Trade, Washington, D.C., October 2022.

Moderator, "Understanding FTC Rulemaking," Webinar, BYU Law Future of Antitrust Series, September 2022.

Lecturer, "An Introduction to the Judicial System(s) of the United States," University of Jordan Law School, Amman, Jordan, August 2022.

Presenter, "What Happens If the FTC Becomes a Serious Rulemaker?," Rulemaking Authority of the Federal Trade Commission, Concurrences, Washington, D.C., June 2022.

Presenter, "Congress's Anti-Removal Power," Histories of Presidential Power, Stanford Law School, Palo Alto, CA, May 2022.

Presenter, "Qualified Immunity," University of Pennsylvania Federalist Society Symposium on Criminal Justice, Philadelphia, PA, April 2022.

Presenter, "Congress's Anti-Removal Power," The First Annual Gray Lecture on the Administrative State, Washington, D.C., March 2022.

Presenter, "Solutions for Qualified Immunity," Campbell Law Review Symposium, Raleigh, N.C., February 2022.

Co-Presenter, "Congress's Anti-Removal Power," 2022 National Conference of Constitutional Law Scholars, On-Line, February 2022.

Presenter, "Litigating Administrative Law Cases in the Roberts Court," 2021 American Bar Association Section of Administrative Law and Regulatory Practice's Annual Administrative Law Conference, On-Line, November 2021.

Presenter, "Congress's Anti-Removal Power," 2021 Midwestern Law & Economics Association Annual Conference, Provo, Utah, October 2021.

Presenter, "Three Views of the Administrative State: Lessons from *Collins v. Yellen*," 2021 Cato Institute Constitution Day Symposium, Washington, D.C., September 2021.

Presenter, "Supervision by the Executive: Appointments Clause and Removal Constraints after *Collins* & *Arthrex*," American Bar Association Section of Administrative Law and Regulatory Practice, National Teleforum, July 2021.

Presenter, "Three Wrong Turns in Agency Adjudication," George Mason Law Review Symposium, Arlington, Virginia, June 2021.

Presenter, "Narrowing *Chevron*'s Domain," Duke Law Journal Symposium, On-Line, January 2021.

Moderator, "The Future of Deference in the U.S. Supreme Court," 2020 American Bar Association Section of Administrative Law and Regulatory Practice's Annual Administrative Law Conference, On-Line, November 2020.

Presenter, "Discussion on Deference," U.S. Department of Labor Benefits Review Board, On-Line Staff Discussion, Washington, D.C., July 2020.

Presenter, "Sticky Regulations and ~~Net Neutrality~~ Internet Freedom," Hastings Law Journal Symposium, San Francisco, California, February 2020.

Presenter, "A Primer on FTC Rulemaking: Non-Compete Clauses in the Workplace," Federal Trade Commission Workshop on Non-Compete Clauses, Washington, D.C. January 2020.

Presenter, "Thoughts on Modernizing the Administrative Procedure Act," U.S. Department of Justice, Summit on Modernizing the Administrative Procedure Act, Washington, D.C., December 2019.

Moderator, "Reconsidering the Qualified Immunity Defense," 2019 American Bar Association Section of Administrative Law and Regulatory Practice's Annual Administrative Law Conference, Washington, D.C., November 2019.

Moderator, "How Administrative Law Differs Across the U.S. Courts of Appeals: Perspectives from Circuit Court Judges," 2019 American Bar Association Section of Administrative Law and Regulatory Practice's Annual Administrative Law Conference, Washington, D.C., November 2019.

Moderator, "Regulatory Budgeting: Historical Insights and Current Practice," 2019 American Bar Association Section of Administrative Law and Regulatory Practice's Annual Administrative Law Conference, Washington, D.C., November 2019.

Presenter, "Deconstructing the Administrative State: A Conservative Vision," American Academy of Arts & Sciences Roundtable on Future of the Administrative Law, Cambridge, Massachusetts, June 2019.

Presenter, "Lessons From the D.C. Circuit," Yale Journal on Regulation Conference on Administrative Law, New Haven, Connecticut, March 2019.

Presenter, "Policing Prosecutors: Lessons From Administrative Law?," Dickinson Law Review Symposium, Carlisle, Pennsylvania, March 2019.

Presenter, "Beyond *Seminole Rock*," Georgetown Law School, Federalist Society Presentation, Washington, D.C., February 2019.

Presenter, "*Kisor v. Wilkie*: A Supreme Court Case Challenge to *Auer* and *Seminole Rock* Deference," American Bar Association Section of Administrative Law and Regulatory Practice, Teleforum, January 2019.

Presenter, "The Upside of Ossification," University of Chicago Law School, Federalist Society Presentation, Chicago, Illinois, January 2019.

Presenter, "Improving Regulation for Businesses: The Need, the Means, and the Challenges," 2018 American Bar Association Section of Administrative Law and Regulatory Practice's Annual Administrative Law Conference, Washington, D.C., November 2018.

Moderator, "Oyez, Oyez: Tips From the Bench on How to Effectively Litigate Administrative Law Cases," 2018 American Bar Association Section of Administrative Law and Regulatory Practice's Annual Administrative Law Conference, Washington, D.C., November 2018.

Presenter, "The Past and Future of Administrative Law?," Augusta Federalist Society, August, Georgia, November 2018.

Presenter, "Regulation In The Courts: Previewing The Year Ahead In The Supreme Court And Circuits," Hoover Institution, Washington, D.C., September 2018.

Moderator, "Public Rights and Private Rights After *Oil States*," George Mason Law Review Symposium, Arlington, Virginia, September 2018.

Presenter, "*Chevron* and the Administrative State," discussion with Professor Gillian Metzger, Annual National Association of Attorneys General's State Solicitors General and Appellate Chiefs Conference, Portland, Oregon, June 2018.

Presenter, "*Pearson* Discretion," panel on "Trends in Qualified Immunity Post *Pearson v. Callahan*," Federal Bar Association, U.S. District Court for the District of Utah, Salt Lake City, Utah, March 2018.

Presenter, "The Paradox of Discretionary Competition Law," 2018 Annual Scientific Seminar on the Economics, Law and Policy of Communications and Media, The Robert Schuman Centre for Advanced Studies, European University Institute, Florence, Italy, March 2018.

Presenter, "Nonenforcement and the Danger of Leveraging," 2018 Symposium on Regulatory Compliance, Loyola Chicago Center for Compliance Studies, Loyola University Chicago School of Law, Chicago, Illinois, February 2018.

Presenter, "How Agencies Choose Whether to Enforce the Law," 2017 Center for the Study of the Administrative State's Public Policy Conference on Administrative Law Beyond Deference, George Mason University School of Law, Arlington, Virginia, December 2017.

Presenter, "Visualizing Change in Administrative Law," 2017 Center for the Study of the Administrative State's Public Policy Conference on Administrative Law Beyond Deference, George Mason University School of Law, Arlington, Virginia, December 2017.

Presenter, "How Agencies Choose Whether to Enforce the Law," Notre Dame Law Review Symposium, Notre Dame Law School, South Bend, Indiana, November 2017.

Moderator, "The ACA and Appropriations: Does the Administration Have the Authority?," Federalist Society, National Teleforum, November 2017.

Presenter, "Optimal Ossification," 2017 American Bar Association Section of Administrative Law and Regulatory Practice's Annual Administrative Law Conference, Washington, D.C., October 2017.

Moderator, "Now What? Academic Thoughts on Judicial Remedies in Administrative Law," 2017 American Bar Association Section of Administrative Law and Regulatory Practice's Annual Administrative Law Conference, Washington, D.C., October 2017.

Presenter, "The Year Ahead In The Supreme Court And Circuits," Hoover Institution, Washington, D.C., September 25, 2018.

Moderator, "Revisiting Yesterday's Rules," American Bar Association Section of Administrative Law and Regulatory Practice, National Teleforum, September 2017.

Presenter, "Visualizing Change in Administrative Law," Government and Administrative Law Conference, Utah Bar Association, Salt Lake City, Utah, May 2017.

Moderator, "Retrospective Review, Really," 2017 American Bar Association Section of Administrative Law and Regulatory Practice's Annual Administrative Law Practice Institute, Washington, D.C., May 2017.

Presenter, "Sticky Regulations," 2017 Center for the Study of the Administrative State's Public Policy Conference on Administrative Due Process, George Mason University School of Law, Arlington, Virginia, April 2017.

Presenter, "The Past and Future of Deference: From Justice Scalia to Justice Gorsuch," University of Chicago Law School, Federalist Society Presentation, April 26, 2017.

Moderator, "Rulemaking in the Trump Administration," American Bar Association Section of Administrative Law and Regulatory Practice, National Teleforum, February 2017.

Presenter, "Sticky Regulations," 2017 J. Reuben Clark Law Society, San Francisco, California, January 2017.

Presenter, "*Chevron* Step One-and-a-Half," 2017 Federalist Society Faculty Conference: New Scholars Program, San Francisco, California, January 2017.

Presenter, "Beyond *Seminole Rock*," 2016 American Bar Association Section of Administrative Law and Regulatory Practice's Annual Administrative Law Conference, Washington, D.C., December 2016.

Presenter, "Justice Scalia and *Seminole Rock* Deference," 2016 Annual Texas Federalist Society Conference, Austin, Texas, September 2016.

Presenter, "The Past and Future of Administrative Law," 2016 Annual National Administrative Law Judge Conference, Salt Lake City, Utah, September 2016.

Presenter, "*Chevron* Step One-and-a-Half," Works in Progress Series, Moritz College of Law, The Ohio State University, Columbus, Ohio, August 2016.

Presenter, "Beyond *Seminole Rock*," First Annual Administrative Law Junior Scholars Panel, Michigan State University College of Law, East Lansing, Michigan, June 2016.

Presenter, "Beyond *Seminole Rock*," Center for Study of the Administrative State's Public Policy Conference on Rethinking Deference, George Mason School of Law, Arlington, Virginia, June 2016.

Moderator, "New Life for the Congressional Review Act?," American Bar Association Section of Administrative Law and Regulatory Practice, National Teleforum, May 2016.

Presenter, "Strategic Immunity," 2016 Association of American Law Schools Annual Meeting: New Voices Program, New York City, New York, January 2016.

Presenter, "Strategic Immunity," 2016 J. Reuben Clark Law Society, New York City, New York, January 2016.

Moderator, "Understanding the White House's Office of Information and Regulatory Affairs," ABA Section of Administrative Law and Regulatory Practice, Teleforum, November 2015.

Presenter, "In Defense of Formal Rulemaking," 2015 ABA Section of Administrative Law and Regulatory Practice's Administrative Law Conference, Washington, D.C., October 2015.

Presenter, "Strategic Immunity," 2015 Rocky Mountain Junior Scholars Forum, BYU Law School, Provo, Utah, September 2015.

Presenter, "The New Qualified Immunity," 2015 Federalist Society Faculty Conference: Work In Progress Series, Washington, D.C., January 2015.

Presenter, "The Rise and Inevitable Fall of the Federal Law Clerk Hiring Plan," 2014 Annual Utah Appellate Court Retreat, Park City, Utah, May 2014

Presenter, "The Past and Future of Administrative Law," 2014 Annual Utah Administrative Law Judge Conference, Salt Lake City, Utah, May 2014.

Discussant, Conference on Administrative Discretion, George Mason University School of Law, Arlington, Virginia, May 2014.

Presenter, "Future of Law Clerk Hiring," Marquette Law Review Symposium: Judicial Assistants or Junior Judges: The Hiring, Utilization, and Influence of Law Clerks, Marquette University Law School, Milwaukee, Wisconsin, April 2014.

Presenter, "The New Qualified Immunity," Junior Scholars Retreat, University of Utah and Brigham Young University School, Draper, Utah, April 2014.

Presenter, "In Defense of Formal Rulemaking," 2014 Association of American Law Schools Annual Meeting: New Voices Program, New York City, New York, January 2014.

Presenter, "In Defense of Formal Rulemaking," 2014 Federalist Society Faculty Conference: New Scholars Program, New York City, New York, January 2014.

Presenter, "Visualizing Change in Administrative Law," 2013 Rocky Mountain Junior Scholars Forum, BYU Law School, Provo, Utah, November 2013.

Presenter, "In Defense of Formal Rulemaking," Junior Scholars Workshop, University of Iowa College of Law, Iowa City, Iowa, August 2013.

Judicial Clerkships

Law Clerk, Justice Samuel A. Alito, Jr., United States Supreme Court (OT 2014)

Law Clerk, Judge Janice Rogers Brown, U.S. Court of Appeals for the D.C. Circuit (2008–09)

Law Clerk, Judge Jerry E. Smith, U.S. Court of Appeals for the Fifth Circuit (2007–08)

Other Experience

Solicitor General of Texas, Austin, TX, 2023 to 2025

Professor of Law (formerly Associate Professor of Law), Brigham Young University Law School, Provo, UT, 2013 to 2025.

Public Member and Chair of Administration and Management Committee, Administrative Conference of the United States, Washington, D.C., 2017 to 2023 (became committee chair in 2018)

Of Counsel, Kirkland & Ellis, LLP, Washington, D.C., 2013 to 2014, 2015 to 2023

Council Member, American Bar Association's Section of Administrative Law & Regulatory Practice, Washington, D.C., 2020 to 2023

Board Member, Utah Chapter of Federal Bar Association, Salt Lake City, UT, 2020 to 2021

Executive Committee Member, Administrative Law Practice Group, The Federalist Society, 2018 to 2021

Co-Chair, Rulemaking Committee, American Bar Association's Section of Administrative Law & Regulatory Practice, Washington, D.C., 2015 to 2020

Chair, Antitrust & Trade Regulation Committee, American Bar Association's Section of Administrative Law & Regulatory Practice, Washington, D.C., 2013 to 2015

Partner and Associate, Kirkland & Ellis, LLP, Washington, D.C., 2007, 2009 to 2012 (partner in 2012)

Member, Department & Agency Review, Romney/Ryan Transition Team, Washington, D.C., 2012

Visiting Attorney, The Church of Jesus Christ of Latter-day Saints, General Counsel, Salt Lake City, UT, Fall 2009

Intern, U.S. Attorney's Office for the District of Arizona, Phoenix, AZ, Summer 2006

Intern, U.S. Senate Judiciary Committee, Washington, D.C., Summer 2006

Intern, U.S. Department of Justice, Office of Legal Policy, Washington, D.C., Winter 2005

Summer Associate, Kirkland & Ellis, LLP, Washington, D.C., Summer 2005

Intern, Office of Counsel to the President, Washington, D.C., Summer 2005

Intern, Federal Trade Commission, Office of Policy Planning, Washington, D.C., Summer 2004

Special Assistant, The Better Business Bureau of Central, Northern & Western Arizona, Phoenix, AZ Summer 2003; Summer 2002 (intern)

Select Litigation Experience

Free Speech Coalition v. Paxton, 145 S. Ct. 2291 (2025): briefed and argued U.S. Supreme Court case about age verification for online pornography.

Rivers v. Guerrero, 145 S. Ct. 1634 (2025): briefed and argued U.S. Supreme Court case about what counts as a "second or successive" application for purposes of federal habeas.

Nuclear Regulatory Commission v. Texas, 145 S. Ct. 1762 (2025): briefed and argued U.S. Supreme Court case about Hobbs Act jurisdiction and the meaning of federal laws governing waste storage.

Wilson v. Midland County, No. 22-50998 (5th Cir. 2024): briefed and argued en banc case about relationship between federal habeas and claims for damages.

Moody v. NetChoice LLC , 144 S. Ct. 2383 (2024): briefed and argued U.S. Supreme Court one of two consolidated cases about First Amendment and global social media.

DeVillier v. Texas, 144 S. Ct. 938 (2024): briefed and argued U.S. Supreme Court case about whether the Takings Clause creates its own cause of action.

United States v. Hamilton, 46 F.4th 389 (5th Cir. 2022): co-author of white-collar brief that led to reversal of criminal convictions for individual engaged in political speech.

Collins v. Yellen, 141 S. Ct. 1761 (2021): appointed by the U.S. Supreme Court to brief and argue in defense of the constitutionality of the Federal Housing Finance Agency Director's "for cause" tenure protection.

United States v. Harra, 985 F.3d 196 (3d Cir. 2021): co-author of white-collar brief that led to reversal of criminal convictions for executives convicted of securities fraud.

BP Exploration & Prod., Inc. v. Claimant ID 100246928, 775 F. App'x 144 (5th Cir. 2019): principal author of brief defending denial of multi-million award sought by a professional football franchise.

In re Rembrandt Techs. LP Patent Litig., 899 F.3d 1254 (Fed Cir. 2018): part of team that successfully defended a notable "exceptional case" determination in patent litigation.

UBS Securities LLC v. Highland Capital Management, No. 650097/09 (N.Y. 1st App. Div., Mar. 27, 2018): obtained decision granting rehearing and revising decision in complex securities case.

Claimant ID 100236236 v. BP Exploration & Prod., Inc., 699 F. App'x 308 (5th Cir. 2017): successfully argued in defense of the district court's denial of a *Deeepwater Horizon* business economic loss claim.

Horne v. Dep't of Agriculture, 133 S. Ct. 2053 (2013): part of team that obtained unanimous decision allowing raisin farmers to challenge the constitutionality of a federal marketing order.

PLIVA, Inc. v. Mensing, 131 S. Ct. 2567 (2011): part of team that obtained decision holding that the Hatch-Waxman Act preempts state-law tort claims targeting generic pharmaceutical products.

Dow AgroSciences LLC v. National Marine Fisheries Serv., 707 F.3d 462 (4th Cir. 2013): part of team that secured decision vacating an agency's Biological Opinion as arbitrary and capricious.

Eatoni Ergonomics, Inc. v. Research In Motion Corp., 826 F. Supp. 2d 705 (S.D.N.Y. 2011), *aff'd* 486 F. App'x 186 (2d Cir. 2012): part of team that obtained decision dismissing alleged monopolization.

Dow AgroSciences LLC v. National Marine Fisheries Serv., 637 F.3d 259 (4th Cir. 2011): part of team that obtained reversal of district court decision refusing to exercise jurisdiction.

Teva Pharms. USA, Inc. v. Sebelius, 595 F.3d 1303 (D.C. Cir. 2010): part of team that obtained pre-enforcement review and secured injunctive relief precluding FDA from denying 180-day exclusivity.

Miscellaneous

Member of the bars of Utah, Texas, District of Columbia, Arizona (inactive), U.S. Supreme Court, and the U.S. Court of Appeals for the Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, Tenth, Eleventh, District of Columbia, and Federal Circuits, and U.S. District Courts for Utah and the District of Columbia

Member of A. Sherman Christensen American Inn of Court (Utah)

Joseph Story Award, Federalist Society (2021)

Brigham Young University Law Alumni Association Teacher of the Year (2019)

Volunteer of the Year, American Bar Association's Section of Administrative Law (2019)

Brigham Young University Young Scholar Award (2017)

Security Clearance with FBI Background Check (2008)