

RESUME OF PETER L. STRAUSS

- GENERAL:** Born February 26, 1940; Married Joanna B. Strauss, 1964;
Children: Benjamin (1972); Bethany (1978);
- RESIDENCE:** 230 West 105th St., Apt. 10A, New York, N.Y. 10025 (646) 490-5390
- OFFICE:** Columbia Law School, 435 West 116th Street, New York, N.Y. 10027;
(212) 854-2370.
- EDUCATION:** New Rochelle, New York, public schools
A.B, 1961, Harvard College, Magna cum laude in Chemistry and Physics;
Phi Beta Kappa; Manager, Harvard Glee Club
LL.B., (1964), Yale Law School; Magna cum laude; Editor-in-Chief, Yale
Law Journal, (1963-64); Order of the Coif.
- EMPLOYMENT:** Betts Professor of Law, Columbia University School of Law, 1971-
Present Subjects of instruction: Administrative Law, Legal Methods.
Previously taught: Legislation; The Regulatory and Administrative
State, Seminar on Legal Education; Constitutional Law; Family Law.
Vice Dean (2001-02, 1996)
- Byrne Visiting Professor of Administrative Law, Harvard Law School
(1994)
- General Counsel, U.S. Nuclear Regulatory Commission, Washington,
D.C., 1975-77 (on academic leave);
- Attorney, Office of the Solicitor General, Department of Justice,
Washington, D.C., (1968-71);
- Lecturer, Faculty of Law, Haile Selassie I University, Addis Ababa,
Ethiopia, (1966-68);
- Law Clerk, Hon. William J. Brennan, Jr., Associate Justice, United States
Supreme Court, (1965-66); Hon. David K. Bazelon, Chief Judge,
United States Court of Appeals, Washington, D.C., (1964-65).

PUBLICATIONS: Books and Chapters

- Strauss, *Administrative Justice in the United States* (3d ed., Carolina Academic Press 2016; 2002; 1989) (The second edition was translated into Chinese and Korean; the first edition also appears in Vol. 1, *Administrative Law – The Problem of Justice: Anglo-American and Nordic Systems* (Giuffre, Milan 1991)).
- Strauss, *Congress at Work* (Foundation, 2016).
- Strauss, et al., *Gellhorn and Byse's Administrative Law, Cases and Comments* (11th ed. Foundation, 2011; 3003, 1995, 1986, 1979) with *Teachers' Manuals*, and with *Supplements* (2007, 1999, 1989, 1993).
- Strauss, *Legal Methods: Understanding and Using Cases and Statutes* (3rd ed. Foundation, 2014, 2008, 2005).
- Strauss, "Rulemaking," with T. Smith and L. Bergkamp, in G. Bermann et al., *European Union Administrative Law* (ABA 2008)..
- Administrative Law Stories* (Strauss ed., Foundation, 2006).
- Strauss, *Legislation: Understanding and Using Statutes* Foundation, (2006).
- Strauss & Verkuil, *Administrative Law Problems* (Foundation 1979, 1983).
- Strauss, ed., A. Paulos trans., Fetha Negast, The Law of the Kings, An English translation (Addis Ababa, Haile Selassie I Univ. Press, 1968, republished with additional materials, Carolina Academic Press 2009)
- Jerry Mashaw and the Public Law Curriculum)forthcoming in Parrillo, ed., *Festschrift for Jerry Mashaw*, Cambridge 2016)
- When the Curtain Must be Drawn: American Experience with Proceedings Involving Information That, For Reasons of National Security, Cannot be Disclosed, in Bouhadana, Gilles and Weaver, eds., *Security and Transparency* (Immodev, forthcoming)
- Renovating Administrative Procedure (U.S. Report for Taiwan comparative Administrative Law conference in June 2014 ; conference proceedings pending publication)
- Ordinary Government Secrets in the United States (Bouhadana, Gilles and Weaver, eds. *Transparency at the Open Government Era*, Imodev 2015)
- The Troubling Conjunction of Public and Private Law (forthcoming in Bignami and Zaring, eds., *Comparative Law and Regulation: Understanding the Global Regulatory Process* (Elgar 2016)
- Legal Frameworks and Institutional Contexts for Public Consultation Regarding Administrative Action: The United States (In Shane and Coleman, Eds., *Connecting Democracy: Online Consultation and the Flow of Political Communication* (MIT, 2012))
- Possible Controls over the Bending of Regulatory Science (In Anthony, et. al), *Values in Global Administrative Law* (Hart, 2011))

Rulemaking and the American Constitution (in Oliver et al, *The Regulatory State – Constitutional Implications*, (Oxford 2010)).
Geier v. American Honda Motor Co. – A Story of Statutes, Regulation and the Common Law (in Eskridge, Frickey & Garrett, eds, *Legislation Stories*, (Foundation 2010)).
Some Contemporary Issues in American Rulemaking, in *Transforming Administrative Procedure* 273 (Barnes, ed., Sevilla 2009).
Citizens to Preserve Overton Park v. Volpe – of Politics and Law, *Young Lawyers and the Highway Goliath in Administrative Law Stories* (Strauss ed., Foundation, 2006).
The Challenges of Globally Accessible Process, in Bermann et al, *TransAtlantic Regulatory Cooperation* (Oxford 2000).
From Expertise to Politics: The Transformation of American Rulemaking, in Brewer-Carias, ed., *Las Formas de la Actividad Administrativa* (Funeda, 1996).
Due Process in Civil Commitment and Elsewhere, in Kindred, et al., *The Mentally Retarded Citizen and the Law* (Free Press 1976).

Law Review Articles

Review Essay: Christopher Columbus Langdell and the Public Law Curriculum, *Forthcoming, J. Leg. Ed.*
Book Review: Robert Katzmann’s “Judging Statutes, 65 *J. Leg. Ed.* 4443 (2015)
The President and the Constitution (65 *Case Western L Rev* 1151 (2015))
ACUS and the Political Thumb (83 *Geo. Wash. L. Rev* 1668 (2015))
Searching for Skidmore (83 *Fordham L. Rev.* 789 (2014))
Private Standards Organizations and Public Law, 22 *Wm. & Mary Bill Rts. J.* 497 (2013)
“Deference” is too Confusing – Let’s Call Them “Chevron Space” and “Skidmore Weight,” 112 *Colum. L. Rev.* 1143 (2012)
On The Difficulties Of Generalization – PCAOB in The Footsteps Of Myers, Humphrey’s Executor, Morrison and Freytag, 32 *Cardozo L. Rev.* 2255 (2011).
Implications Of The Internet For Quasi-Legislative Instruments Of Regulation, 28 *Windsor Yearbook of Access to Justice* 377 (2010).
Legislation that Isn’t -- Attending to Rulemaking's "Democracy Deficit" 98 *California Law Review* 1351 (2010)).
On Capturing the Possible Significance of Institutional Design and Ethos 61 *Administrative L. Rev.* 259 (Special Ed., 2009).
Chevron’s Two Steps (with Kenneth Bamberger), 95 *Va. L. Rev.* 611 (2009).
Overseers or the Deciders – The Courts in Administrative Law, 75 *U. Chi. L. Rev.* 815 (2008).
The Perils of Theory, 83 *Notre Dame L. Rev.* 1567 (2008).

The Presidential Signing Statements Controversy, with Ronald A. Cass, 16 Wm & Mary Bill of Rights Journal 11 (2007).

Overseer or “The Decider” – The President in Administrative Law, 75 Geo. Wash. L. Rev. 695 (2007). (Richard D. Cudahy Prize Essay, 2008)

Transsystemia – Are We Approaching a New Langdellian Moment? Is McGill Showing the Way, 56 J.Leg.Ed. 161 (2006).

Rulemaking in the Ages of Globalization and Information: What America Can Learn From Europe, and Vice Versa, 12 Colum.J.Eur.L. 645 (2006).

Statutes that Are Not Static: The Case of the APA, 14 J. Contemp. Leg. Issues 767 (2005).

The United States Experience with Independent Regulatory Commissions, Conference Proceedings, and Journal of European Law (2003).

Courts or Tribunals? Federal Courts and the Common Law, 53 Alabama L. Rev. 891 (2002).

Educating Citizens, 87 Cornell L.Rev. 690 (2002).

Publication Rules in the Rulemaking Spectrum: Assuring Proper Respect for an Essential Element, 53 Admin.L.Rev. 803 (2001).

The President and Choices Not to Enforce, 63 Law and Contemporary Problems 107 (2000).

The Common Law and Statutes, 70 U.Colo.L.Rev. 225 (1998).

The Internal Relations of Government: Cautionary Tales from Inside the Black Box, 61 Law & Contemporary Problems 155 (1998).

The Courts and the Congress: Should Judges Disdain Political History, 98 Columbia L. Review 242 (1998).

Presidential Rulemaking, 72 Chicago-Kent Law Rev 965 (1997).

Congressional Review of Agency Regulations (with Daniel Cohen), 49 Admin.L.Rev. 95 (1997).

Administrative Law: The Hidden Comparative Law Course, 46 J.Leg.Ed. 478 (1996).

Changing Times; The APA at Fifty 63, U. Chi. L. Rev. 1389 (1996).

From Expertise to Politics: The Transformation of American Rulemaking, 31 Wake For. L. Rev. 745 (1996); also published in II Jornadas Internacionales de Derecho Administrativo (Caracas 1996).

Resegregating the Worlds of Statute and Common Law, 1994 Supreme Court Review 427 (1995).

The Rulemaking Continuum, 41 Duke Law Journal, 1463 (1992).

Revisiting Overton Park: Political and Judicial Controls on Informal Administrative Adjudication, 39 UCLA L. Rev. 1251 (1992). Selected for republication in 24 Land Use and Environment L. Rev. (1993).

When The Judge is not the Primary Official With Responsibility to Read: Agency Interpretation and the Problem of Legislative History 66 Chicago-Kent L. Rev. 321 (1992).

The Game of Politics and Law: A Response to Eskridge and Ferejohn (with Andrew Rutten), 8 J. Law & Ec Org. 205 (1992).

Review Essay: Sunstein's Reconciliation of the Regulatory State – Reconciling Markets, the Communal Impulse and the Mammoth State, 89 Mich. L. Rev. 907 (1991).

Comment: Legal Process and Judges in the Real World, 12 Cardozo L.Rev. 1653 (1991).

"Legislative History, and 'Plain Meaning' from an Agency Perspective" 68 Wash. U. L. Q. 595 (Federalist Society Conference panel, January, 1990).

"Independent Agencies – Independent from Whom," 41 Ad.L.Rev. 491 (1989).

Hard Look Review and Political Control, 1989 Duke Law Journal 538.

Legislative Theory and the Rule of Law: Some Comments on Rubin, 89 Colum.L.Rev. 427 (1989).

One Hundred Fifty Cases Per Year: Some Implications of the Supreme Court's Limited Resources for Judicial Review of Agency Action, 87 Colum.L.Rev. 1093 (1987).

Formal and Functional Approaches to Separation of Powers Questions – A Foolish Inconsistency? 72 Cornell L.Rev. 488 (1987).

The Role of the President and OMB in Informal Rulemaking, 38 Ad.L.Rev. 181 (1986) (with C. Sunstein).

The Metamorphosis of Legal Education, 30 N.Y.L.-S.L. Rev. 637 (1985).

The Place of Agencies in Government: Separation of Powers and the Fourth Branch, 84 Colum.L.Rev. 573 (1984). (ABA Administrative Law Section award, 1985).

Was There a Baby in the Bathwater? A Comment on the Supreme Court's Legislative Veto Decision, 1983 Duke L.J. 789.

Teaching Administrative Law: The Wonder of the Unknown, 33 J.Leg.Ed. 1 (1983).

Regulatory Reform in a Time of Transition, 15 Suff.L.Rev. 903 (1981).

Disqualifications of Decisional Officials in Rulemaking, 80 Colum.L.Rev. 990 (1980).

Presidential Authority Over Regulatory Decisions, (Monograph, Center on Law and Economics) (1980).

The NRC Role and Plant Siting, 4 J. Contemp.L., 96 (1977).

"Due Process in Civil Commitment and Elsewhere," in The President's Committee on Mental Retardation, The Mentally Retarded Citizen and the Law, 442 (1976).

Review, Beyond the Best Interests of the Child, (with J. Strauss), 74 Colum.L.Rev. 996 (1974).

Rules, Adjudications, and Other Sources of Law in an Executive Department: Reflections on the Interior Department's Administration of the Mining Law, 74 Colum.L.Rev. 1231 (1974).

Mining Claims on Public Lands: A Study of Interior Department Procedures, 74 Utah L.Rev. 185 (1974).

Procedures of the Department of the Interior with Respect to Mining Claims

in Public Lands (U.S. Admin. Conf. 1974).
The New York Wild, Scenic and Recreational Rivers Systems Act, 1973
Urban L. Ann. 137.
The Relationship Between Promise and Performance in State Intervention in
Family Life, 9 Colum. J. Law and Soc. Prob. 28 (1972).
Decision Trees (with M. Topping), 7 J. Eth. L. 435 (1970).
Monograph, On Interpreting the Ethiopian Penal Code, 5 J. Eth. L. 375
(1968).

Recent Occasional Papers and Talks

125th Year Jubilee of Danistat, Ankara, Turkey (1993), principal paper.
Conference on Judge Bazelon, Law, Science and Health, Philadelphia, Pa.
(1994), "Questioning Scientific Authority: Risk Management and the
Problem of Democracy".
Commentator, Frankfurt-Columbia colloquium on issues of federalism in the
European Community and the United States (1995).
Testimony on S. 343 and S. 291, Senate Government Operations and
Judiciary Committees (1995).
Lectures on American Administrative Law Reform, Ottawa Canada, Tokyo,
Kobe and Hanno Japan (1995).
Walter Gellhorn (1996)
Commentator, Symposium on Environmental Law, U. Arizona (1996)
"Congressional Review of Rulemaking," ABA program (1996); congres-
sional testimony, fall 1996.
Principal speaker, 2d International Conference on Administrative Law,
Caracas Venezuela, 1996.
Speaker, Woodrow Wilson Center Symposium for Federal Judges, and
Lecturer, University of Buenos Aires, Argentina, May 1997.
Rulemaking Developments, ABA Section of Administrative Law and
Regulatory Practice, Washington, D.C. Oct. 1997.
Commentator, Cardozo Law School Symposium on the Delegation Doctrine,
March 1998.
Developments in American Administrative Law, National college of
Administration, Beijing, P.R.C. April 1998.
Moderator, Federalist Society Symposium on the Presidency, NYU Law
School, April 1998.
Speaker, Columbia Conference on Trans-Atlantic Regulatory Cooperation
(March 1999).
Speaker, Eleventh Judicial Conference of the U.S. Court of Intenational
Trade (Dec. 1999).
Speaker, American Regulation and the Internet, Utrecht University (July
2000), Brazilian Society for Comparative Public Law (October 2000).
Lecture Series: The Development of American Rulemaking as an Exemplar
of Transparent and Responsive Executive Policy Formulation, FAAP,

Sao Paulo, Brazil, (October 2000).
Speaker, The Vice President's Role in Regulatory Oversight, Federalist Society Annual Meeting (November 2000).
Speaker, The Rulemaking Spectrum, American Association of Law Schools, (January 2001).
Symposium, Getting Beyond Cynicism: New Theories of the Regulatory State, Cornell Law School, (March 2001).
Conference, Lawyers and Public Policy Managers, European University Institute, Florence, Italy, (April 2001).
Law and Public Management: Starting to Talk, EUI Working Papers (2001).
Daniel Meador Lecture, "Courts or Tribunals? Federal Courts and the Common Law, University of Alabama Law School, Tuscaloosa, Ala., Nov. 2001.
AALS Section of Legislation, The Problem of Omnibus Legislation, New Orleans, LA, (January 2002).
Lecture on Independent Regulatory Commissions and their promise for Europe, European Conference on "THE 'INDEPENDENCE' OF THE INDEPENDENT PUBLIC AGENCIES," Center of International & European Economic Law, Thessalonika, Greece (Oct. 2002).
"Statutes that are not Static: The Case of the APA," University of San Diego Law School (Dec. 2003).
"A Survey of ABA Ad Law Section Lawyers on Electronic Rulemaking," American University Conference on Electronic Rulemaking (Jan. 2004).
"Citizens to Preserve Overton Park v. Volpe," U Ariz. L.S. Nov. 2004.
"Publication rules in the present day," ABA Section of Administrative Law and Regulatory Practice (Feb. 2005) and AU Conference on Federal Rulemaking (Mar. 2005).
"Rulemaking in the Ages of Globalization and Information," European University Institute and University of Bologna Faculty of Jurisprudence (May 2005); Tokyo University and Ritsumeikan Law School (Kyoto) (June 2005).
"Edward Rubin's **Beyond Camelot**," University of Pennsylvania (May 2005).
Panelist, ABA Administrative Law Section Public Presentation on Rulemaking in the European Union, 2005.
Panelist, Federalist Society National Lawyers' Convention panel on the character of statutes, static or dynamic?, Washington, D.C., 2005.
Plenary Speaker, AALS Annual Convention full day workshop on Transnational Legal Education in the First Year, Washington D.C., 2006.
Panelist, American University Workshop on Science in Rulemaking, Washington D.C., 2006.
Lecture, "Administrative Law in the United States: History and Practice" for 25 Vice Ministers of the Chinese government attending a program at the Yale Law School's China Law Center. 2006.
Peter L. Strauss, *Within Marbury: The Importance of Judicial Limits on the*

Executive's Power To Say What the Law Is, 116 YALE L.J. POCKET PART 59 (2006), <http://www.thepocketpart.org/2006/09/27/strauss.html>; Cass R. Sunstein, *The Virtues of Simplicity*, 116 YALE L.J. POCKET PART 70 (2006), <http://www.thepocketpart.org/2006/09/27/strauss.html>; Peter L. Strauss, *Exploiting Simplicity*, 116 YALE L.J. POCKET PART 77 (2006), <http://www.thepocketpart.org/2006/09/27/strauss.html>; Cass R. Sunstein, *Costing Mead*, 116 YALE L.J. POCKET PART 79 (2006), <http://www.thepocketpart.org/2006/09/27/strauss.html>; Peter L. Strauss, *The Virtue of Checks*, 116 YALE L.J. POCKET PART 81 (2006), <http://www.thepocketpart.org/2006/09/27/strauss.html>.

Congressional Research Panel on judicial review of administrative action (Sept. 2006).

Duke Law School conference on delegation of authority to international bodies (Oct. 2006).

Panelist, "Bending Science," Albany Law School, December 2006
With Ronald A. Cass, *The ABA and Presidential Signing Statements*, Engage, Vol. 7 Is. 2, p. 28 (2006).

"Testimony on E.O. 13422," House Committees on the Judiciary (Feb. 2007) and Science and Technology (Apr. 2007).

Roundtable on a Cosmopolitan Legal Education (McGill Sept. 2007).

Talks on the President's role in relation to the rule of law (ABA Ad Law Section, Oct. 2007; NYU, Nov. 2007).

In Memoriam: Clark Byse, 121 Harv. L. Rev. 463 (2007)

Panel, Judicial Review of Guidance (ABA Ad Law Section May 2008)

Testimony on Rulemaking and the Unitary Presidency, House Committee on the Judiciary, May 2008

Panelist, "Rulemaking," ABA Section on International Law, Brussels, Belgium (September 2008)

Workshop on global administrative law, Science-Po, Paris, France (October 2008)

International Working Group on governance in the electronic age, Washington, D.C. (November 2008)

Panelist, Roundtable on the Regulatory State, London, England (November 2008)

Panelist, Bertelsman International Conference on Regulatory Reform panel on transparency in rulemaking, Berlin, Germany (November 2008)

Panelist at international conference on administrative law panel on contemporary issues in U.S. rulemaking procedure, Seville, Spain (November 2008)

Presentations concerning the interface of science and law, at the law faculties of Luxembourg and La Sapienza (Rome, Italy) (fall 2008) and of the Universities of New Delhi, Sydney, New South Wales, Australian National University, Melbourne, Victoria (Wellington, NZ) and Auckland (spring 2009)

The Role of the Chief Executive in Domestic Administration, delivered in Aix en Provence, June, 2010.

“The Presidential Power of Removal over Domestic Agency Heads,” and Overseers or “The Deciders” – The Courts in Administrative Law,” delivered in Buenos Aires, Argentina, October, 2010

Testimony on the APA at 65, House Committee on the Judiciary, February, 2011.

The Pre-Session Recess, 126 Harv.L.Rev. Forum 130 (2013) (in re Noel Canning v. NLRB)

A Rose by Any Other Name, possibly forthcoming, Brooklyn L. Rev. (2012)

Landis at 75 (Contribution to forthcoming Harvard Law School celebration of the 75th anniversary of James Landis’ **The Administrative Process.**) American Experiences and Issues with Open Government, University of Pisa, June, 2013.

The Administrative State and the American Constitution, Universidad Externado de Colombia, Center for the Study of Comparative Law and Comparative Politics, Bogota, Columbia, May 2014.

Lectures on American Administrative Law at Baida (Beijing) and CCPL (Beijing), June 2014

The American Constitution and Separation of Powers, Stanford Law School, April 2015

Recent Developments in American Administrative Law (U. Luxembourg June 2015)

Lectures on American rulemaking practices, Freiburg University (11/9/2016), the Max Planck Institute (12/9/2016) and Frankfurt University (12/14/2016)

Robert Katzmann and Statutory Interpretation, Federal Bar Council, January, 2016

On the APA’s 70th Birthday (Talk to the Judges of the Court of International Trade, February, 2016)

American Statutory Interpretation (Cardozo Law School March, 2016)

GUEST LECTURESHIPS:

Columbia-Leiden Program, Amsterdam and Leiden, The Netherlands (many times)

Sakharov Institute, Minsk, Belarus (1993)

Tokyo University (1995 and 2005)

University of Buenos Aires (1997)

Hong Kong University (1998)

Ludwig Maximilians University of Munich (1999)

FAAP, Sao Paulo (2000)

European University Institute (2001)

Visiting Scholar, U Arizona Law School (2004)

Scholar in Residence, Rockefeller Study/Conference Center, Bellagio, Italy. (1994, 2005)

Senior Fulbright Researcher, McGill University Faculty of Law (2005)

Fernand Braudel Senior Fellow, European University Institute, Florence,

Italy (Fall 2008)
Parson's Fellow, University of Sydney Law School, Sydney, Australia
(Spring 2009)
Visiting Professor, Australian National University and University of
Melbourne (Spring 2009).
La Sapienza, Rome, (Spring 2011)
Columbia-Sorbonne Alliance (March 2015)
Max Plank Institute of Comparative Public and International Law (Fall 2015)

HONORS:

Fellow, American Academy of Arts & Sciences (2010)
Richard D. Cudahy Prize for scholarship on Regulatory and Administrative
Law, American Constitution Society (2008).
Scholar in Residence, Rockefeller Conference Center, Bellagio Italy (1994
and 2005)
Third annual award for distinguished scholarship in administrative law, ABA
Section of Administrative Law and Regulatory Practice, 1987.
Distinguished Service Award, US NRC, 1977.
John Marshall Award for excellence in Appellate Advocacy, U.S.
Department of Justice, 1970.

OTHER ACTIVITIES:

Consultations with Chinese Office of Legislative Affairs and Chinese legal
scholars, in China and the United States on draft Chinese laws
concerning aspects of administrative procedure, under auspices of the
Asia Foundation and of the Yale Center on Chinese Law, concerning
proposed Chinese Laws on Licensing and Administrative Procedure,
2000 -
Senior Conference Fellow, Administrative Conference of the United States
(Public member or fellow, 1982-95)
Member, ABA Administrative Law and Regulatory Practice Section (Section
Chair, 1992-93; numerous other activities)
Member, American Law Institute
Member, Lexis Electronic Authors Press, Editorial Advisory Board
Editor, Administrative Law Abstracts, Social Sciences Research Network,
1999-2006
Director, Center for Computer-Assisted Legal Instruction, 2002-2007
Reporter on Rulemaking, ABA Section of Administrative Law and
Regulatory Practice Statement of American Administrative Law (2002)
Reporter on Rulemaking, ABA Section of Administrative Law and
Regulatory Practice study of EU Rulemaking, 2004-08
Member, International Working Group on Online Consultation and Public
Policy-Making (2006 -2010)
Amicus curiae briefs (partial list)
Gonzales v. Oregon (2005)
FAIR v. Rumsfeld (2005)
Arlington Central School Dist. v. Murphy (2006)

United States v. Texas (2016)