

## LISA SCHULTZ BRESSMAN

Vanderbilt Law School  
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### ACADEMIC APPOINTMENTS

#### **Vanderbilt Law School**

Associate Dean for Academic Affairs, 2010-present  
David Daniels Allen Distinguished Chair in Law, 2012-present  
Director, Social Justice Program, 2010-present

Professor of Law, 2002-2011  
Associate Professor of Law, 2000-2002  
Assistant Professor Law, 1998-2000  
Co-Director, Regulatory Program, 2007-2010  
FedEx Research Professor of Law, 2008-2009

#### **Harvard Law School**

Roscoe Pound Visiting Professor of Law, Fall 2008

#### **Cornell Law School**

Visiting Professor of Law, Winter 2006

### OTHER PROFESSIONAL EXPERIENCE

**Administrative Conference of the United States**, Washington, DC  
Public Member, appointment from 2010-2013  
Chair, Judicial Review Committee 2010-2011

**Office of Legal Counsel, U.S. Department of Justice**, Washington, DC  
Attorney-Advisor, 1996-1998

**Kellogg, Huber, Hansen, Todd & Evans**, Washington, DC  
Associate, 1995-1996

#### **Supreme Court of the United States**

Law Clerk to Justice Stephen G. Breyer, 1994-1995

#### **United States District Court for Connecticut**

Law Clerk to Judge Jose A. Cabranes, 1993-1994

**The First Boston Corporation**, New York, NY and Boston, MA  
Financial Analyst, 1988-1990

## **EDUCATION**

**University of Chicago Law School**, J.D. with honors, 1993  
Order of the Coif  
*The University of Chicago Law Review*, member

**Wellesley College**, B.A. *magna cum laude*, 1988  
English and Philosophy Majors

## **COURSE BOOKS**

THE REGULATORY STATE, 2d ed. (Aspen 2013) (with E. Rubin & K. Stack)  
Teacher's Manual (with E. Rubin & Kevin Stack)

## **BOOK CHAPTERS & ENTRIES**

THE OXFORD GUIDE TO UNITED STATES SUPREME COURT DECISIONS (Oxford Univ. Press  
2d ed., forthcoming) (entries on *McCreary County v. American Civil Liberties Union of  
Kentucky*, 545 U.S. 844 (2005) and *Van Orden v. Perry*, 545 U.S. 677 (2005))

A GUIDE TO JUDICIAL AND POLITICAL REVIEW OF FEDERAL AGENCIES 177-96 (John F.  
Duffy & Michael Herz eds., 2005) (chapter on Judicial Review of Agency Discretion)

A GUIDE TO JUDICIAL AND POLITICAL REVIEW OF FEDERAL AGENCIES, 2D EDITION (John  
F. Duffy & Michael Herz eds., 2015) (chapter on Judicial Review of Agency Discretion)  
(with G. Staszewski)

## **ARTICLES**

*Statutory Interpretation from the Inside—An Empirical Study of Congressional  
Drafting, Delegation, and Canons: Parts I & II*, 65 STAN. L. REV. 901 (2013);  
66 STAN. L. REV. 725 (2014) (with A. Gluck)

*Reclaiming the Legal Fiction of Congressional Delegation*, 97 VA. L. REV. 2009 (2011)

*Regulation in the Behavioral Era*, 95 MINN. L. REV. 715 (2011) (with M. Vandenberg &  
A. Carrico).

*The Future of Agency Independence*, 63 VAND. L. REV. 599 (2010) (with R. Thompson)

*Chevron's Mistake*, 58 DUKE L. J. 549 (2009)

*Procedures as Politics in Administrative Law*, 107 COLUM. L. REV. 1749 (2007)

Awarded second place in the American Constitution Society's 2008 Richard D. Cudahy Writing Competition for Regulatory and Administrative Law

*Deference and Democracy*, 75 GEO. WASH. L. REV. 761 (2007) (inaugural administrative law issue)

*Legitimacy, Selectivity, and the Disunitary Executive: A Response to Sally Katzen*, 105 MICH. L. REV. 1511 (2007) (with M. Vandenberg)

*Inside the Administrative State: A Critical Look at the Practice of Presidential Control*, 105 MICH. L. REV. 1 (2006) (with M. Vandenberg)

*How Mead Has Muddled Judicial Review of Agency Action*, 58 VAND. L. REV. 1443 (2005)

*Judicial Review of Agency Inaction: An Arbitrariness Approach*, 79 N.Y.U. L. REV. 1657 (2004)

*Beyond Accountability: Arbitrariness and Legitimacy in the Administrative State*, 78 N.Y.U. L. REV. 461 (2003)

*Disciplining Delegation after Whitman v. American Trucking Ass'ns*, 87 CORNELL L. REV. 452 (2002)

*Accommodation and Equal Liberty*, 42 WM. & MARY L. REV. 1007 (2001)

*Schechter Poultry at the Millennium: A Delegation Doctrine for the Administrative State*, 109 YALE L. J. 1399 (2000)

## **OTHER PUBLICATIONS**

*The Judicial Playing Field: Courts as Lawmakers*, Jotwell (July 2011), available at [www.jotwell.com](http://www.jotwell.com)

*Everything but the Agency*, Jotwell (Jan. 2010), available at [www.jotwell.com](http://www.jotwell.com)

*Procedures as Politics in Administrative Law*, COLUM. L. REV. SIDEBAR (Jan. 2008), available at <http://www.columbialawreview.org/articles/2008/01>

*A Blackletter Statement of Federal Administrative Law*, 54 ADMIN. L. REV. 42-43 (2002) (section on Judicial Review of Agency Discretion)

*The Forest and the Trees: The Divide Between Judicial Holdings and Public Perception in Religion Law*, Vanderbilt Lawyer (2002)

Comments on Religion in the Federal Workplace, 4 EMPLOYEE RTS. & EMPLOYMENT POL'Y J. 121-24 (2000)

## **WORKSHOPS & PRESENTATIONS**

Selected presentations of empirical work on congressional drafting, delegation, and canons (2013, 2014) (with A. Gluck)

*Presidential Control in Practice*, Center for Judicial Studies, Duke Law School (Apr. 2012)

*Reclaiming the Legal Fiction of Congressional Delegation*, Center for Study of Democratic Institutions, Vanderbilt University (Oct. 2011)

*Reclaiming the Legal Fiction of Congressional Delegation*, Legislation Colloquium, Columbia Law School (Mar. 2010)

*The Future of Agency Independence*, Workshop, Syracuse Law School (Apr. 2010)

*Chevron's Mistake*, Constitutional and Legal Theory Colloquium, University of Texas Law School (Apr. 2009)

*Has Chevron Run Out of Gas?*, Panel, Appellate Judges Education Institute, Phoenix, AZ (Nov. 2008)

*Chevron's Mistake*, Faculty Workshop, Harvard Law School (Oct. 2008)

*Chevron's Mistake*, Faculty Workshop, Duke Law School (Mar. 2008)

*Chevron's Mistake*, Legislation Colloquium, Georgetown Law Center (Mar. 2008)

*Chevron's Mistake*, Public Law Colloquium, New York University Law School (Feb. 2008)

*Judicial Review of Agency Inaction after Massachusetts v. EPA*, Judicial Review Panel, ABA Conference, Administrative Law Section, Washington, DC (Oct. 2007)

*The Disunitary Executive*, Presidential Panel, ABA Conference, Administrative Law Section, Washington, DC (Oct. 2007)

*Procedures as Politics*, Faculty Workshop, University of Chicago Law School (Apr. 2007)

*Procedures as Politics*, Faculty Workshop, Emory Law School (Mar. 2007)

*Deference and Democracy*, Judicial Review and Geo. Wash. L. Rev. Panels, ABA Conference, Administrative Law Section, Washington, DC (Oct. 2006)

*Inside the Administrative State*, Faculty Workshop, University of Texas Law School (Apr. 2006)

*Inside the Administrative State*, Empirical Scholarship Panel, AALS Annual Meeting, Washington, DC (Jan. 2006)

*What Does Administrative Law Have to Do With Physician-Assisted Suicide?*, Faculty Workshop, University of Illinois Law School (Jan. 2006)

*Judicial Review of Agency Inaction*, Faculty Workshop, Cornell Law School (Apr. 2005)

*Judicial Review of Agency Inaction*, Faculty Workshop at Notre Dame Law School (Mar. 2005)

*Judicial Review of Agency Inaction*, Faculty Workshop at Vanderbilt Law School (Mar. 2004)

*Beyond Accountability*, Faculty Workshop at University of Michigan Law School (Sept. 2003)

*Beyond Accountability*, Faculty Workshop at University of Virginia School of Law (Mar. 2003)

*Beyond Accountability*, Faculty Workshop at the George Washington University Law School (Sept. 2002)

*Beyond Accountability*, Faculty Workshop at Vanderbilt Law School (Sept. 2002)

*Disciplining Delegation*, Faculty Workshop at Florida State University Law School (Mar. 2002)

*The Deep Structure of the Rehnquist Court*, Faculty Workshop at Vanderbilt Law School (with Rebecca Brown) (Oct. 2001)

*Religion in the Public Square*, Annual Bill of Rights Symposium at William & Mary Law School (Mar. 2000)

*Religion in the Federal Workplace*, Panel at AALS Annual Meeting, Washington, DC (Jan. 2000)

*Delegation and Democracy*, Young Scholars Workshop at Southeastern AALS Conference, Hilton Head, South Carolina (July 1999)

**CONFERENCES, SYMPOSIA & PANELS**

Panelist, Administrative Law After the Regulatory State Class, AALS Annual Meeting, New York, NY (Jan. 2016)

Co-Organizer & Panelist, Conference on Administrative Law, Columbia Law School (Apr. 2012) (first in series of three rotating conferences co-sponsored by Columbia Law School, Stanford Law School, and Vanderbilt Law School)

Panelist, Supreme Court Preview, Vanderbilt Law School (Oct. 2009)

Panelist, Supreme Court Preview, Nashville Chapter of the American Constitution Society (Oct. 2009)

Panelist, The Obama Administration and the Regulatory State, Vanderbilt Law School Chapter of the American Constitution Society (Apr. 2009)

Panelist, The Obama Effect: What the New Administration May Mean for Lawyers (and the Rest of Us), Nashville Chapter of the American Constitution Society (Feb. 2009)

Participant, Conference on Administrative Law & Regulatory Governance, University of Virginia Law School (Nov. 2008) (co-sponsored with UC Berkeley School of Law and Vanderbilt Law School)

Moderator, Underappreciated Justices Conference, Vanderbilt Law School (Apr. 2008)

Co-Organizer & Participant, Conference on Administrative Law & Regulatory Governance, Vanderbilt Law School (Sept. 2007) (first in a series of three rotating conferences co-sponsored by UC Berkeley School of Law, University of Virginia School of Law & Vanderbilt Law School)

Participant, Symposium on White House Review of Rulemaking, University of Pennsylvania Law School (Dec. 2006)

Participant, Second Annual Duke-Harvard Foreign Relations Law Workshop, Duke Law School (Nov. 2006)

Moderator, American Constitution Society Conference, Vanderbilt Law School (Sept. 2006)

Participant, Annual Constitutional Theory Conference at University, Pennsylvania Law School, New York University Law School, Vanderbilt Law School (Apr. 2006, Sept. 2004, Apr. 2003)

Moderator, "The Scopes Trial: A Continuing Controversy," Great Performances Series, Vanderbilt University (Oct. 2005)

Panelist, "How to Think About the Pledge of Allegiance," Cal Turner Program in Moral Leadership, Vanderbilt University (Apr. 2003)

Panelist, Presidential Election Panel at Vanderbilt Law School (Nov. 2000)

Moderator, Program on Church & State at Vanderbilt University (Feb. 2000)

### **COURSES OFFERED**

Administrative Law

Constitutional Law I

Government & Religion (seminar and 3-credit course)

Law and Divinity (co-taught seminar)

Legal Process

Popular Books on the Supreme Court

Problems at the Interface of Tort and Regulation (co-taught seminar)

Regulatory State/Legislation & Regulation (first-year course)

Women and Law (reading group)

### **LAW SCHOOL COMMITTEE SERVICE**

Chair, Junior Faculty Mentoring Committee (2010-2012)

Chair, Ad Hoc ABA Reaccreditation Committee (2009-2010)

Chair, Dean Search Committee (2009) (appointed by University Provost)

Member, Junior Faculty Mentoring Committee (2009-2010, 2008-2009)

Chair, Faculty Appointments Committee (2007-2008)

Member, Faculty Appointments Committee (2010-present, 2005-2006, 2001-2002, 1998)

Member, Dean Search Committee (2004) (appointed by University Provost)

Chair, Ad Hoc Student Publications Committee (2003-2004)

Member, Admissions Committee (1999-2000)

Member, Curriculum Committee (2010-present, 2000-2001)

Member, Student-Faculty Relations Committee (1998-1999, 2002-2003)

### **OTHER LAW SCHOOL OR UNIVERSITY SERVICE**

Vanderbilt Leadership Academy (2012-2013)

Advisor, Administrative Law Society (2009-present)

Advisor, American Constitution Society (2002-2015)

Advisor, Clerkship Program, Class of 2001

Advisor, Vanderbilt Law Review (2002-2010)

Advisor, Women's Law Students Association (2000-2006)

Member, Vanderbilt Center for Nashville Studies Board (2006-present)

Member, Vanderbilt University Grievance Committee (2009-present)

Professor, Friends and Family Day (2005, 2003, 2000, 1999)

**OTHER PROFESSIONAL ACTIVITIES & AFFILIATIONS**

Contributor, OMB Watch Regulatory Reform Project (Fall 2007)

Instructor, Constitutional Law Seminar, "We the People" Program, Vanderbilt University (Summer 2001-2004)

Legal Consultant on Religion Matter, Metropolitan Government of Nashville and Davidson County, TN (Jan. 2003-2004)

Associate Reporter, ABA Section of Administrative Law & Regulatory Practice, Administrative Procedure Act Project (2000-present)

Vice Chair, Judicial Review, ABA Section of Administrative Law & Regulatory Practice (2001-present)

Legal Consultant on Religion Matter, Belmont University, Nashville, TN (June 2001)

Instructor, Continuing Legal Education, Nashville, TN (Oct. 2000).

Member, Bars of District of Columbia, Massachusetts & Tennessee

Admitted to practice before the U.S. Court of Appeals for the Sixth Circuit

**PERSONAL**

Married to Michael Bressman, attorney and Assistant Professor of the Practice of Law at Vanderbilt Law School (offers Intellectual Property and the Arts Clinic and teaches Art Law, Contracts, Law of Cyberspace courses). Three children.