

PAUL R. VERKUIL

PROFESSIONAL EMPLOYMENT:

Chairman, Administrative Conference of the United States, March 5, 2010 – present.

Acting Dean, University of Miami Law School, August 2008 – July 2009.

Senior Counsel, Boies, Schiller & Flexner, August 2001- 2010.

Visiting Professor, University of Pennsylvania Law School, August 2001 - July 2002, Jan.-Dec. 1995

Dean and Professor of Law, Benjamin N. Cardozo School of Law, Yeshiva University,
April 1997 - August 2001 (Professor Sept. 2001-2010).

Special Master, United States Supreme Court in *New Jersey v. New York*, Orig. No. 120, 523 U.S. 767 (resolving claims to sovereignty over Ellis Island), October, 1994 - March 31, 1997.

President and CEO, American Automobile Association - January 1992 - December 1994.

President, College of William & Mary, 1985 - 1992; Professor of Law and Government, 1985-1992;
President Emeritus, since 1992.

Dean, Tulane Law School, 1978 - 1985; Joseph M. Jones Professor of Law, 1978 - 1985.

Assistant Professor to Kenan Research Professor, University of North Carolina School of Law, 1971 - 1978.

Associate, Paul, Weiss, Goldberg, Rifkind, Wharton & Garrison, 1969 - 1971 (litigation).

Associate, Cravath, Swaine & Moore - 1966 (Summer), 1967 - 1969 (litigation).

EDUCATION:

Public Schools, Curtis High School, Staten Island, NY.

A.B. (English Literature), College of William & Mary, 1961.

LL.B. (J.D.), University of Virginia, 1967.

LL.M. (Trade Regulation), New York University, 1969.

M.A. (Political Science and Economics), New School for Social Research, 1971.

J.S.D., New York University, 1972.

SPECIAL RECOGNITION:

Life Member of the American Law Institute.

Life Member of the American Bar Foundation (top 1/3 of one percent of New York
Lawyers).

Marshall – Wythe Medallion, William & Mary Law School (2008).

N.Y.U. Founders Day Award for "Consistent Evidence of Outstanding Scholarship" (1972).

Editor, Virginia Law Review (voted outstanding third year editor).

Omicron Delta Kappa.

Order of the Coif.

Raven Society.

MILITARY SERVICE:

Active Duty Officer, U.S. Army (Quartermaster Corps., January 1962 - August 1964; Stationed at Fort Lee, VA (certificate of achievement).

BAR MEMBERSHIPS:

New York (1968); U.S. Supreme Court (1971); Virginia (1986); District of Columbia (1992).

RELATED EXPERIENCE:

Board Member, Statute of Liberty/Ellis Island Foundation, 2006 (ex officio since Mar. 2010).

Board Member, Lang College, New School University, 2006 - Mar. 2010.

President's Council, Tulane University, 1998 - Mar. 2010.

Chair, MMF Systems, Inc., 2001 - Mar. 2010.

Board Member, National Constitution Center (Philadelphia), 1996 - 2009.

Board Member, Eisenhower World Affairs Institute, 1994 - 2005.

Administrative Conference of the United States, 1982 - 1992. Senior Conference Fellow, 1992 - 1995.

Board Member, Universal Health Services (NYSE), 1996 - 1999.

Board Member, Toy Biz, Inc. (NYSE), 1995 - 1998.

Board Member, Florida Progress Corporation (NYSE), 1993 - 1995.

Board Member, NationsBank of Florida, 1992 - 1995.

Co-Chair, World Cup of Orlando (one of nine venues for 1994 cup), 1992-1994.

Commissioner on Uniform State Laws, 1979 - 1985.

Chair, Virginia Rhodes Scholarship Selection Committee, 1986 - 1991.

Visiting Fellow, Institute for Advanced Legal Studies, University of London, 1985.

Member, Council on the Role of the Courts, 1979 - 1981.

Member, White House Conference on Small Business, 1979 - 1980.

Chairman of Hearing Board on rulemaking relating to access to nuclear power plants, Nuclear Regulatory Commission, 1978 - 1979.

Visiting Scholar, Columbia University School of Law, Center for Law and Economics, Fall semester 1977.

Visiting Professor, Duke University School of Law, 1975 - 1976.

Volunteer Attorney, Lawyers' Committee for Civil Rights Under Law, 1969 - 1973.

PUBLICATIONS:

Books (authored and co-authored)

Outsourcing and the Duty to Govern, in *Government By Contract: Outsourcing and American Democracy* (J. Freeman & M. Minow, eds.) (Harvard Press 2009).

Outsourcing Sovereignty (Cambridge Press 2007).

Administrative Law and Process (Foundation 1985; 2nd ed.1992; 3rd ed.1999; 4th ed. 2004, 5th ed. 2009).

Regulation and Deregulation (West 1997; 2d ed. 2004).

The Federal Administrative Judiciary (ACUS 1992).

Economic Regulation of Business (West 1985).

Social Security Hearings and Appeals (Lexington 1978).

Public Control of Business (Little, Brown 1977).

ARTICLES:

The Wait is Over: Chevron as the Stealth Vermont Yankee II, 75 G.W.L., Rev. 921 (2007).

The Social Security Administration's New Disability Adjudication Rules, 92 Corn.L. Rev. 235 (2007) (w/F. Bloch & J. Lubbers).

Public Law Limitations on Privatization of Government Functions, 84 N.C.L. Rev. 397 (2006).

The Privatization of Airport Security, 27 Cardozo L. Rev. 2243 (2006).

Privatizing Due Process, 57 Ad. L. Rev. 963 (2005).

Developing a Full and Fair Evidentiary Record In A Nonadversary Setting: Two Proposals For Improving Social Security Disability Adjudications, 25 Cardozo L. Rev. 1 (2003) (w/ F. Bloch & J. Lubbers).

Alternative Approaches to Judicial Review of Social Security Disability Cases, 55 Ad. L. Rev. 731 (2003), (w/J. Lubbers).

An Outcomes Analysis of Scope of Review Standards, 44 W&M L. Rev. 679 (2002).

A Blackletter Statement of Federal Administrative Law, 54 Ad. L. Rev. 1 (2002) (Chief Reporter).

Why Lawyers are Unhappy, 23 Cardozo L. Rev. 1 (2001) (w/M.Seligman).

Hitting for the Academic Cycle, 33 Toledo L. Rev. 1 (2001).

A Judge of Character: Tribute to Honorable Patricia M. Wald, 52 Ad. L. Rev. 11 (2000).

Controlling Chevron-Based Delegations, 20 Cardozo L. Rev. 989 (1999) (w/E. Gellhorn).

Understanding the "Public Interest" Justification for Government Actions, 39 Acta Juridica Hungarica 141-150 (1998).

Speculating About the Next "Administrative Conference": Connecting Public Management to the Legal Process, 30 Ariz. St. L. J. 187-204 (1998).

Rulemaking Ossification--A Modest Proposal, 47 Ad. L. Rev. 453 (1995).

Is Government Efficiency an Oxymoron?, 1994 Duke L. J. (1994).

Reverse Yardstick Competition: A New Deal for the Nineties, 45 U. Fla. L. Rev. 1 (1993) (Dunwoody Lecture).

Proceedings of the Robert C. Byrd Conference on the Administrative Process, 6 A.U. Ad. L.J. 639-655 (1993) (Keynote Address).

Reflections Upon the Federal Administrative Judiciary, 39 U.C.L.A. L. Rev. 1341 (1992).

A Proposal to Resolve Interbranch Disputes on the Practice Field, 40 Cath. U. L. Rev. 839 (1991) (Pope John XXIII lecture).

Separation of Powers, the Rule of Law and the Idea of Independence, 30 W & M L. Rev. 301 (1989).

The Purposes and Limits of Independent Agencies, 1988 Duke L.J. 257.

Cross Currents in Anglo-American Administrative Law, 27 W&M L. Rev. 685 (1986).

The Status of Independent Agencies after *Bowsher v. Synar*, Duke L.J. 779 (1986).

Reflections Upon Federal and State Control of Administrative Policymaking, 19 Suff. L. Rev. 579 (1985). (Thirteenth Donahue Lecture).

- Evaluating Adjudication Procedures in the Immigration Setting, 32 U.C.L.A. L. Rev. 1141 (1984).
- The Self-Legitimizing Bureaucracy (Review of J. Mashaw, *Bureaucratic Justice*), 93 Yale L.J. 780 (1984).
- Whose Common Law for Labor Relations? - A Response to Richard Epstein, 93 Yale L.J. 1409 (1983).
- Congressional Limitations on Judicial Review of Rules, 57 Tul. L. Rev. 733 (1983).
- Review of P. Schuck, *Suing Government*, 83 Colum. L. Rev. 1582 (1983).
- A Critical Guide to the Regulatory Flexibility Act, Duke L.J. 213 (1982).
- Introduction to Symposium on Presidential Control of Rulemaking, 56 Tul. L. Rev. 811 (1982).
- Judicial Review of Informal Rulemaking: Waiting for Vermont Yankee II, 55 Tul. L. Rev. 418 (1981).
- Comment on Empirical Research in Administrative Law, 32 Ad. L. Rev. 69 (1980).
- Jawboning Administrative Agencies: Ex Parte Contacts by the White House, 80 Colum. L. Rev. 943 (1980).
- Bank Solvency and Standby Letters of Credit: Lessons from the U.S.N.B. Failure, 53 Tul. L. Rev. 314 (1979).
- Review of J. Freedman, *Crisis and Legitimacy: The Administrative Process and American Government*, 127 U. Pa. L. Rev. 1666 (1979).
- The Emerging Concept of Administrative Procedure, 78 Colum. L. Rev. 258 (1978).
- The Search for Legal Ethic: The Adversary System, Liberalism and Beyond, 60 Soundings 54 (1977).
- A Study of Informal Adjudication Procedures, 43 U. Chi. L. Rev. 739 (1976).
- Preemption of State Law by Federal Trade Commission, 1977 Duke L.J. 225 (1977) (cited by the Supreme Court in *Morales v. TWA, Inc.*) (1992).
- The Federal Torts Claims Act Intentional Torts Amendment: An Interpretative Analysis, 54 N.C. L. Rev. 493 (1976) (with Boger and Gitenstein).
- The Ombudsman and the Limits of the Adversary System, 75 Colum. L. Rev. 845 (1975).
- State Action, Due Process and Antitrust: Reflections on *Parker v. Brown*, 75 Colum. L. Rev. 328 (1975) (cited by the Supreme Court in *Cantor v. Detroit Edison Co.* (1976) and *City of Lafayette v. Louisiana Power and Light Co.* (1978)).
- Perspectives on Reform of Financial Institutions, 83 Yale L.J. 1349 (1974) (reprinted in House Hearing on Regulation of Standby Letters of Credit, 94th Cong. 2d sess. (June 18, 1976)).
- Judicial Review of Informal Rulemaking, 60 Va. L. Rev. 185 (1974) (cited by the Supreme Court in *Florida Power Light Co. v. Lorion*) (1985).
- Developments in Regulation of Supermarket Advertising Practices, 48 N.Y.U. L. Rev. 395 (1973) (relied on by the FTC In re A & P (F.T.C. 1974)).
- Bank Solvency and Guaranty Letters of Credit, 25 Stan. L. Rev. 716 (1973) (reprinted in House Hearings on Regulation of Standby Letters of Credit, 94 Cong. 2d sess.) (June 18, 1976); excerpted in various casebooks; cited by the Supreme Court in *FDIC v. Philadelphia Gear Corp.* (1986) and in numerous federal and state court opinions.
- Regulation of Supermarket Advertising Practices, 60 Geo. L.J. 1195 (1972) (w/Boies) (reprinted in 1 Advertising Law Anthology 401) (1973).
- Immunity or Responsibility for Unconstitutional Conduct: The Aftermath of Jackson State and Kent State, 50 N.C. L. Rev. 548 (1972).

The Economic Regulation of Taxicabs, 24 Rutgers L. Rev. 672 (1970).

Katchen v. Landy and Summary Jurisdiction in Bankruptcy, 52 Va. L.Rev. 1530 (1966). (student work).

CATV and Copyright Liability, 52 Va. L. Rev. 1505 (1966) (cited by the Supreme Court in Fortnightly Corp. v. United Artists Television Corp.) (1968) and Teleprompter Corp. v. CBS, (1974). (student work).

PROFESSIONAL ACTIVITIES:

Chair, ABA Advisory Committee on Judicial Independence, 2000-01; member, 2001-02.

Testified before House Subcommittee on Social Security on Alternative Methods of Judicial Review (June 2002).

AAA Party Appointed Arbitrator, 1999-2000.

Appellate Arbitrator, N.B.A./NB Players Ass'n., 1999.

Testified before Senate Subcommittee on Administrative Oversight and the Courts on S.758, The Fairness in Asbestos Compensation Act, October 1999.

Thomas B. McCabe Memorial Lecture, Swathmore College, February 1997.

Expert Witness in Tarkanian v. NCAA, May-June 1996.

Briefed Sen. Biden, Chair Senate Judiciary Committee, on qualifications of Judge Stephen Breyer, 1994.

Testified before House Subcommittee on Aviation in favor of H.R. 110, bill establishing White House Conference on Tourism, June 1993.

Member, NCAA Special Committee on Infractions and the Enforcement Process, 1991-1992.

Member, ABA team to assist Bulgaria in drafting its constitution. Sofia, Bulgaria, March 1991.

Testified at Confirmation Hearing for Antonin Scalia before Senate Judiciary Committee, 1989.

Member, Anglo-American Exchange on civil procedure reform, London, Washington and Williamsburg, July and September 1989 (eight member U.S. team headed by Justices O'Connor and Kennedy).

Chair, ABA Section of Administrative Law and Regulatory Practice, 1989 - 1990.

Special Master, United States v. Louisiana (higher education desegregation case), 1989.

Member, Franco-American Legal Exchange, involving Conseil d'Etat of France, July and September 1988 (eight member U.S. team headed by Justices O'Connor and Scalia).

Member, Anglo-American Exchange on Judicial Review of Administrative Decisionmaking, July 1984 (eight member U.S. team headed by the Chief Justice of the United States).

Court appointed arbitrator in a contract take or pay case, E.D. La. 1983.

Testified before Senate Judiciary Small Business Subcommittees on S. 2147, bill to amend Regulatory Flexibility Act, August 12, 1982.

Association of American Law Schools: Administrative Law Section, Chairperson 1975 - 1977; Committee on Academic Freedom and Tenure, 1976 - 1979; Chairman of Plenary Session Program, 1981.

Federal Judicial Center, Appellate Judges Seminar, Faculty member, January and March 1979.

Expert witness (on letters of credit) First Empire v. FDIC (S.D. Calif. 1976).

Testified before Senate Banking Committee on June 18, 1976 on S. 2347, bill to regulate standby letters of credit.

Co-drafter of the North Carolina Administrative Procedure Act, 1974-75.

Drafted Amicus brief on behalf of students of Kent State University before the United States Supreme Court in Rhodes v. Ohio (1974).