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EXPERIENCE

George Washington University Law School, *Alverson Dean's Research Professor* (2022-present); *Davis Research Professor* (2012-present); *Kahan Research Professor* (2008-2012); *Professor of Law* (2001-present); *Associate Professor of Law* (1995-2001)

- **Classes:** Administrative Law, Civil Procedure, Federal Courts, Intellectual Property, Lawsuits Against Governments.
- **Research areas:** Federal courts, administrative law, lawsuits against governments, statutory interpretation.

Administrative Conference of the U.S., *Director of Research and Policy* (2010-2011); *Special Counsel* (2012-2015); *Public Member* (2015-2021); *Senior Fellow* (2021-present)

- Directed the research and policy development program of a federal government agency.
- Developed recommendations to improve federal administrative law and procedure.
- Managed staff and consultants.
- Advised the Chairman on all matters pertaining to agency business.
- (Since 2012) Participated in the process of developing Conference recommendations.

U.S. Senator Amy Klobuchar, *Senior Legislative Fellow* (Fall, 2007)

- Advised the Senator on legal and policy issues in legislation, nominations, and oversight.
- Prepared the Senator for hearings, press conferences, and other appearances.

Cornell Law School, *Visiting Professor of Law* (Fall, 2006)

Civil Division, Appellate Staff, U.S. Department of Justice, *Attorney* (1990-1995)

- Briefed and argued cases in the United States Courts of Appeals.
- Negotiated settlements of appellate cases.
- Advised the Solicitor General as to whether to take appeals.
- Assisted the Solicitor General in litigating cases in the Supreme Court.

The Honorable Patricia M. Wald, Chief Judge, U.S. Court of Appeals for the District of Columbia Circuit, *Law Clerk* (1989-1990)

Decision Resources, Inc., *Author and Product Manager, CHART-MASTER* (1981-1986)

- Wrote CHART-MASTER, which became the IBM PC's number one graphics program.
- Helped found Decision Resources, Inc. to market CHART-MASTER.
- Managed product design, development, and marketing as sales grew to over \$5 million.

PUBLICATIONS

- FEDERAL COURTS: CASES AND MATERIALS (Aspen 3d ed. 2023).
- *Habeas, History, and Hermeneutics*, 64 Ariz. L. Rev. 505 (2022) (cited in *Brown v. Davenport*, 142 S. Ct. 1510, 1534 nn.2-3 (2022) (Kagan, J., dissenting)).
- THE ACUS SOURCEBOOK OF FEDERAL JUDICIAL REVIEW STATUTES (GPO 2022).
- *A Law Professor's Guide to Parliamentary Procedure*, 70 J. Leg. Ed. 26 (2020).
- FEDERAL COURTS: CASES AND MATERIALS (Wolters Kluwer 2d ed. 2019).
- *The Constitutional Case for Chevron Deference*, 71 Vand. L. Rev. 937 (2018).
- *The Wolfe of Washington?* (Book Review), 67 J. Legal Educ. 870 (2018).
- *The Legacy of Justice Scalia and His Textualist Ideal*, 85 Geo. Wash. L. Rev. 857-921 (2017).
- *The REINS Act: Constitutional, but a Bad Idea*, Admin & Reg. L. News 9-10 (Spr. 2017).
- *ACUS and Suits Against Government*, 83 Geo. Wash. L. Rev. 1642-1667 (2015) (symposium).
- *Injury in Fact and the Structure of Legal Revolutions*, 68 Vand. L. Rev. En Banc 207 (2015).
- FEDERAL COURTS: CASES AND MATERIALS (Wolters Kluwer 2015).
- *Symmetries—and Asymmetries—Between Theories of Statutory Interpretation*, 99 Corn. L. Rev. Online 182 (2014).
- *What If the Universal Injury-in-fact Test Already Is Normative?*, 65 Ala. L. Rev. 403-415 (2013) (symposium).
- *Clearing the Path to Justice: The Need to Reform 28 U.S.C. § 1500*, 65 Ala. L. Rev. 1-64 (2013).
- *The REINS Act and the Struggle to Control Agency Rulemaking*, 16 N.Y.U. J. Legis. & Pub. Pol'y 131-185 (2013).
- *The Institutional Case for Judicial Review*, 97 Iowa L. Rev. 1147-1199 (2012).
- *Naive Textualism in Patent Law*, 76 Brook. L. Rev. 1019-1032 (2011) (symposium).
- *Finding SIGTARP in the Separation of Powers Labyrinth*, 68 Wash. & Lee L. Rev. 447-456 (2011) (symposium).
- *The Inexorable Radicalization of Textualism*, 158 U. Pa. L. Rev. 117-178 (2009).
- *Law and Longitude*, 84 Tul. L. Rev. 1-66 (2009).
- *Guardians of the Background Principles*, 2009 Mich. State L. Rev. 123-141 (symposium).
- *The Rehnquist Court* (Book Review), 122 Pol. Sci. Q. 688-689 (2008).
- *Judicial Interpretation in the Cost-Benefit Crucible*, 92 Minn. L. Rev. 387-433 (2007).
- *A Theory of Justiciability*, 86 Tex. L. Rev. 73-139 (2007).
- *Bobblehead Justice*, 10 Green Bag 2d 405-410 (2007).
- *Political Questions and Political Remedies*, in THE POLITICAL QUESTION DOCTRINE AND THE SUPREME COURT OF THE UNITED STATES 243-268 (Cain & Sabbah, eds.) (2007).
- *A Short Note on the Placement of Adverbs*, 56 J. Leg. Educ. 61-69 (2006).
- *The Polymorphic Principle and the Judicial Role in Statutory Interpretation*, 84 Tex. L. Rev. 339-394 (2005).
- *Zone of Interests*, 92 Geo. L.J. 317-368 (2004).
- *Waivers of State Sovereign Immunity and the Ideology of the Eleventh Amendment*, 52 Duke L.J. 1167-1243 (2003).

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PUBLICATIONS (cont.)

- *The D.C. Circuit and the Struggle for Control of Presidential Information*, 90 Geo. L.J. 737-778 (2002) (co-written with Hon. Patricia M. Wald).
- *What Statutory Drafting Errors Teach Us About Statutory Interpretation*, 69 Geo. Wash. L. Rev. 309-366 (2001).
- *The Use of Legislative History in a System of Separated Powers*, 53 Vand. L. Rev. 1457-1527 (2000), reprinted in 1 NORMAN J. SINGER, STATUTES AND STATUTORY CONSTRUCTION § 5A:5 (6th ed. 2002).
- *Timing and Delegation: A Reply*, 53 Vand. L. Rev. 1543-1548 (2000).
- *Congress's Power to Authorize Suits Against States*, 68 Geo. Wash. L. Rev. 44-115 (1999).
- *Textualism and Contextualism in Administrative Law*, 78 B.U. L. Rev. 1023-1112 (1998).
- *Suing the President: Nonstatutory Review Revisited*, 97 Colum. L. Rev. 1612-1709 (1997).
- *The Hidden Source of Congress's Power to Abrogate State Sovereign Immunity*, 73 Tex. L. Rev. 539-570 (1995).
- Note, *Chilling Injuries as a Basis for Standing*, 98 Yale L.J. 905-924 (1989).

SELECTED PRESENTATIONS AND PROFESSIONAL ACTIVITIES

- Addressed the Annual Meeting of the D.C. Association of Parliamentarians (Apr. 2023).
- Commented on papers at the Arkansas Junior Federal Courts Workshop (Sept. 2019).
- Addressed the conference, "The Time for Regulatory Reform in Congress," sponsored by the Center for the Study of the Administrative State at the Antonin Scalia Law School, on the subject of the REINS Act (Mar. 2017).
- Presented "The Death of Justice Scalia—and of His Textualist Ideal" at Iowa Law School (Apr. 2016).
- Drafted and submitted a public comment on proposed changes to the Federal Rules of Civil Procedure; organized over 100 other law professors to join the comment (Jan. 2014).
- Submitted an amicus brief in a case in the New York Court of Appeals (June 2013).
- Presented "What if the Injury-in-Fact Test is Normative?" at a University of Alabama Law School symposium on standing doctrine (Feb. 2013).
- Participated in a panel discussion on state and federal power over immigration presented by the American Constitution Society (Feb. 2012).
- Commented on papers at the Columbia Law School Legislation and Statutory Interpretation Roundtable (Apr. 2011).
- Presented "Naive Textualism in Patent Law" at a Brooklyn Law School symposium on statutory interpretation (Nov. 2010).
- Served on the Executive Committee of the AALS Section on Civil Procedure (2009-2012).
- Testified before the D.C. Council's Special Committee on Statehood and Self-Determination regarding the constitutionality of the D.C. House Voting Rights Act (June 2009).
- Presented "Guardians of the Background Principles" at a symposium on administrative statutory interpretation at Michigan State University College of Law (Nov. 2008).
- Presented "The Interpretation Wars" at University of Richmond Law School (Sept. 2008).

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SELECTED PRESENTATIONS AND PROFESSIONAL ACTIVITIES (cont.)

- Addressed the “2007 Summit” of the Appellate Judges Educational Institute (Sept. 2007).
- Presented “A Theory of Article III” at Cornell Law School (Nov. 2006).
- Participated in a panel discussion at the University of Maryland of *Becoming Justice Blackmun* by Linda Greenhouse (Dec. 2005).
- Served as “Content Consultant” to the Capital Children’s Museum with regard to a planned exhibit concerning the federal government (2003-2004).
- Served as Legal Adviser to the Special Master, *Alaska v. United States*, No. 128, Orig. (U.S.) (2001-2004).
- Argued *Montgomery v. State of Maryland*, No. 00-2099 (4th Cir.), a case concerning waivers of state sovereign immunity (May 2001).
- Addressed the Bicentennial Conference of the D.C. Circuit on the topic, “The D.C. Circuit and the Struggle for Control of Presidential Information” (Mar. 2001).
- Addressed the Office of the General Counsel of the Nuclear Regulatory Commission on the topic, “Legislative and Interpretative Rules” (Feb. 2000).
- Moderated a panel discussion presented by the D.C. Bar concerning the Supreme Court’s *First National Bank* decision and its effect on standing doctrine (Sept. 1998).
- Testified before the Council of the District of Columbia concerning the advisability of reuniting the District with the state of Maryland (Jan. 1998).
- Served as a member of the Steering Committee of the Administrative Law and Agency Practice Section of the D.C. Bar (1996-1998).
- Moderated a panel discussion concerning the Line Item Veto Act at the D.C. Bar Winter Convention (Feb. 1997).
- Testified before the Subcommittee on Education, Training, Employment & Housing of the House Committee on Veterans Affairs concerning the effect of the Supreme Court’s *Seminole Tribe* decision on veterans’ reemployment rights (May 1996).

EDUCATION

Yale Law School

- J.D., 1989. Estimated class rank: 1 of 175 (received Honors in all graded classes).
- Yale Law Journal, *Book Review and Comment Editor* (1988 - 1989).

Harvard College

- A.B. magna cum laude in mathematics, 1984.
- Phi Beta Kappa, 1984.