

# CARY COGLIANESE

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## EDUCATION

Ph.D. (Political Science), University of Michigan, 1994  
J.D. (Law), University of Michigan, 1991  
M.P.P. (Public Policy), University of Michigan, 1991  
A.B. (Philosophy and Political Science), The College of Idaho, 1985

## ACADEMIC APPOINTMENTS

University of Pennsylvania, Philadelphia, Pennsylvania

Edward B. Shils Professor of Law, University of Pennsylvania Law School, 2006-  
Professor of Political Science, College of Arts and Sciences, 2006-  
Deputy Dean for Academic Affairs, 2009-2010  
Associate Dean for Academic Affairs, 2008-2009  
Director, Penn Program on Regulation, 2006-  
Research Fellow, Wharton School Risk Management & Decision Processes Center, 2006-  
Faculty, Fels Institute of Government, 2006-2009

Harvard University, Cambridge, Massachusetts

Senior Research Fellow, Center for Business and Government, 2006-2007  
Chair, Regulatory Policy Program, Center for Business and Government, 2000-2006  
Associate Professor of Public Policy, John F. Kennedy School of Government, 1998-2006  
Director, Politics Research Group, 1995-2006  
Affiliated Scholar, Harvard Law School, 1994-2006  
Assistant Professor of Public Policy, John F. Kennedy School of Government, 1994-98

Vanderbilt University, Nashville, Tennessee

Visiting Professor of Law, Vanderbilt Law School, 2005

University of Pennsylvania, Philadelphia, Pennsylvania

Visiting Professor of Law, University of Pennsylvania Law School, 2005

Stanford University, Stanford, California

Irvine Foundation Visiting Professor of Law, Stanford Law School, 2004

## PUBLICATIONS

### Books

- Regulatory Breakdown: The Crisis of Confidence in U.S. Regulation* (University of Pennsylvania Press, forthcoming)
- Import Safety: Regulatory Governance in the Global Economy* (University of Pennsylvania Press, 2009) (with Adam Finkel & David Zaring)
- Regulation and Regulatory Processes* (Ashgate, 2007) (with Robert A. Kagan)
- Leveraging the Private Sector: Management-Based Strategies for Improving Environmental Performance* (Johns Hopkins University Press/Resources for the Future Press, 2006) (with Jennifer Nash)
- Regulating from the Inside: Can Environmental Management Systems Achieve Policy Goals?* (Johns Hopkins University Press/Resources for the Future Press, 2001) (with Jennifer Nash)

### Articles and Chapters

- “Enhancing Public Access to Online Rulemaking Information,” *Michigan Journal of Environmental and Administrative Law* (forthcoming)
- “Oversight in Hindsight: Assessing the U.S. Regulatory System in the Wake of Calamity,” in Cary Coglianese, ed., *Regulatory Breakdown: The Crisis of Confidence in U.S. Regulation* (University of Pennsylvania Press, forthcoming) (with Chris Carrigan)
- “How to Evaluate Regulatory Performance,” in Christiane Arndt & Gregory Bounds, eds., *Measuring Regulatory Performance* (OECD Publishing, forthcoming)
- “Flexible Approaches to Environmental Regulation,” in Michael Kraft & Sheldon Kamieniecki, eds., *The Oxford Handbook of U.S. Environmental Policy* (forthcoming) (with Lori S. Bennear)
- “Beyond Compliance: Explaining Business Participation in Voluntary Environmental Programs,” in Vibeke Lehmann Nielsen and Christine Parker, eds., *Explaining Compliance: Business Responses to Regulation* (2011) (with Jonathan Borck)
- “Business and Environmental Law,” in Tima Bansal and Andrew J. Hoffman, *The Oxford Handbook of Business and the Environment* (2011) (with Ryan Anderson)
- “The Law and Economics of Risk Regulation,” in James J. Cochran, ed., *Wiley Encyclopedia of Operations Research and Management Science* (2011)
- “The Politics of Regulation: From New Institutionalism to New Governance,” *Annual Review of Political Science* (2011) (with Chris Carrigan)
- “Environmental Regulation,” in Peter Cane and Herbert M. Kritzer, eds., *The Oxford Handbook on Empirical Legal Studies* (Oxford University Press, 2010) (with Catherine Courcy)
- “Meta-Regulation and Self-Regulation,” in Martin Cave, Robert Baldwin, and Martin Lodge, *The Oxford Handbook of Regulation* (2010) (with Evan Mendelson)
- “Import Safety: Consumer Protection in a Global Marketplace,” *Administrative & Regulatory Law News*, 35(3) (Spring 2010) (with David Zaring and Adam Finkel)

- “Management-Based Regulation: Implications for Public Policy,” in Gregory Bounds & Nikolai Malyshev, eds., *Risk and Regulatory Policy: Improving the Governance of Risk* (OECD Publishing, 2010)
- “Presidential Control of Administrative Agencies: A Debate over Law or Politics?,” *Journal of Constitutional Law* 12:637-649 (2010)
- “Engaging Business in the Regulation of Nanotechnology,” in Christopher J. Bosso, ed., *Governing Uncertainty: Environmental Regulation in the Age of Nanotechnology: Confronting Conditions of Uncertainty* (Resources for the Future Press, 2010)
- “Consumer Protection in an Era of Globalization,” in Cary Coglianese, Adam Finkel & David Zaring, eds., *Import Safety: Regulatory Governance in the Global Economy* (University of Pennsylvania Press, 2009) (with Adam Finkel & David Zaring)
- “Delegated Governance: Consumer Safety in the Global Marketplace,” in Cary Coglianese, Adam Finkel & David Zaring, eds., *Import Safety: Regulatory Governance in the Global Economy* (University of Pennsylvania Press, 2009) (with David Zaring)
- “Government Clubs: Theory and Evidence from Voluntary Environmental Programs,” in Matthew Potoski & Aseem Prakash, eds., *Voluntary Programs: A Club Theory Approach* (MIT Press, 2009) (with Jennifer Nash)
- “The Transparency President? The Obama Administration and Open Government,” *Governance* 22:529-544 (2009)
- “The Effectiveness of Voluntary Environmental Programs,” *Annual Review of Environment and Resources* 34:305-324 (2009) (with Jonathan C. Borck)
- “Transparency and Public Participation in the Federal Rulemaking Process,” *George Washington University Law Review* 77:924-972 (2009) (with Heather Kilmartin & Evan Mendelson)
- Reprinted in Peter L. Strauss, Todd D. Rakoff, Cynthia R. Farina, and Gillian E. Metzger, *Gellhorn and Byse’s Administrative Law: Cases and Comments*, 11th edition (Foundation Press, 2011)
- “Environmental Leadership Programs: Toward an Empirical Assessment of their Performance,” *Ecology Law Quarterly* 35:771-834 (2009) (with Jonathan Borck & Jennifer Nash)
- “Evaluating the Social Effects of Environmental Leadership Programs,” *Environmental Law Reporter* 38:10697-10702 (2008) (with Jonathan Borck & Jennifer Nash)
- Reprinted in L. Lakshmi, ed., *Environmental Protection: Regulatory Issues*, Hyderabad, India: The ICFAI University Press, 2008)
- “The Managerial Turn in Environmental Protection,” *New York University Environmental Law Journal* 17:54-74 (2008)
- “Change and Challenge in Regulation and Governance,” *Regulation & Governance* 2:381-382 (2008) (with John Braithwaite & David Levi-Faur)
- “Policymaking Under Pressure: The Perils of Incremental Responses to Climate Change,” *Connecticut Law Review* 40:1411-1430 (2008) (with Jocelyn D’Ambrosio)
- “The Rhetoric and Reality of Regulatory Reform,” *Yale Journal of Regulation* 25: 85-95 (2008)
- Condensed version published as “Much Ado About Nothing?,” *Regulation* 10-12 (Summer 2008))

- “Constructing the License to Operate: Internal Factors and their Influence on Corporate Environmental Decisions,” *Law & Policy* 30: 73-107 (2008) (with Jennifer A. Howard-Grenville & Jennifer Nash)
- “The Case Against Collaborative Environmental Law” *U. Pa. L. Rev. PENNumbra* 156: 295-299, 306-310 (2007)
- “Weak Democracy, Strong Information: The Role of Information Technology in the Rulemaking Process,” in Viktor Mayer-Schoenberger & David Lazer, eds., *From Electronic Government to Information Government: Governing in the 21st Century* (MIT Press, 2007)
- “Can Regulation and Governance Make a Difference?,” *Regulation & Governance* 1: 1-7 (2007) (with John Braithwaite and David Levi-Faur)
- “After the Scandals: Changing Relationships in Corporate Governance,” *The ICFAI Journal of Corporate and Securities Law* 4: 9-17 (2007) (with Michael L. Michael)
- “Business Interests and Information in Environmental Rulemaking,” in Michael Kraft & Sheldon Kamieniecki, eds., *Business and Environmental Policy* 185-210 (MIT Press, 2007)
- “Legitimacy and Corporate Governance,” *Delaware Journal of Corporate Law* 32:167-175 (2007)
- “Citizen Participation in Rulemaking: Past, Present, and Future,” *Duke Law Journal* 55: 943-968 (2006)
- “E-Rulemaking,” in Ari-Veikko Anttiroiko and Matti Malkia, eds., *Encyclopedia of Digital Government* (Idea, 2006)
- Reprinted in Ari-Veikko Anttiroiko, *Electronic Government: Concepts, Methodologies, Tools, and Applications* (IGI Global, 2008)
- “Management-Based Strategies: An Emerging Approach to Environmental Protection,” in Cary Coglianese and Jennifer Nash, eds., *Leveraging the Private Sector: Management-Based Strategies for Improving Environmental Performance* 3-30 (Johns Hopkins University Press/Resources for the Future Press, 2006) (with Jennifer Nash)
- “The Promise and Performance of Management-Based Strategies,” in Cary Coglianese and Jennifer Nash, eds., *Leveraging the Private Sector: Management-Based Strategies for Improving Environmental Performance* 249-264 (Johns Hopkins University Press/Resources for the Future Press, 2006) (with Jennifer Nash)
- “Foreword,” in Reba A. Carruth, ed., *Global Governance of Food and Agriculture Industries* (Edward Elgar, 2006)
- “Management-Based Strategies for Improving Private-Sector Environmental Performance,” *Environmental Law Reporter* 36: 10003-10016 (2006) (with Jennifer Nash)
- “Building Sector-Based Consensus: A Review of the U.S. EPA’s Common Sense Initiative,” in Theo J.N.M. de Bruijn and Vicki Norberg-Bohm, eds., *Industrial Transformation* (MIT Press, 2005) (with Laurie Allen)
- “Program Evaluation of Environmental Policies: Toward Evidence-Based Decision Making,” in National Research Council, *Social and Behavioral Science Research Priorities for Environmental Decision Making* 246-273 (National Academies Press, 2005) (with Lori Snyder Benneer)
- “Unifying Rulemaking Information: Recommendations on the New Federal Docket Management System,” *Administrative Law Review* 57: 621-645 (2005) (with Stuart Shapiro and Steven J. Balla)
- “The Internet and Citizen Participation in Rulemaking,” *I/S: Journal of Law and Policy for the Information Society* 1: 33-57 (2005)

- “Measuring Progress: Program Evaluation of Environmental Policies,” *Environment* 47(2): 22-40 (2005) (with Lori Snyder Benneer)
- “The Role of Government in Corporate Governance,” *NYU Journal of Law & Business* 1: 233-251 (2004) (with Elizabeth K. Keating, Michael L. Michael, & Thomas J. Healey)
- *Reprinted in The ICFAI Journal of Corporate Governance*, 5: 60-73 (2006))
- “Seeking Truth for Power: Informational Strategy and Regulatory Policy Making,” *Minnesota Law Review* 89: 277-341 (2004) (with Richard Zeckhauser and Edward Parson)
- “E-Rulemaking: Information Technology and the Regulatory Process,” *Administrative Law Review* 56: 353-402 (2004)
- *Reprinted in Kevin Clermont, Robert Hillman, Sheri Johnson, and Robert Summers, Law in Society: Nature, Functions, and Limits* (Aspen, 2009)
- “Shifting Sands: The Limits of Science in Setting Risk Standards,” *University of Pennsylvania Law Review* 152: 1255-1360 (2004) (with Gary Marchant)
- *Abridged version published as “The EPA’s Risky Reasoning,” Regulation* 27(2): 16-22 (2004))
- “Information Technology and Regulatory Policy,” *Social Science Computer Review* 22: 85-91 (2004)
- “Does Consensus Make Common Sense? An Analysis of EPA’s Common Sense Initiative,” *Environment* 46: 10-25 (January/February 2004) (with Laurie Allen)
- *Response to critics published at “Consensus on Consensus?,” Environment* 46: 14-15 (July/August 2004))
- “Performance-Based Regulation: Prospects and Limitations in Health, Safety, and Environmental Regulation,” *Administrative Law Review* 55: 705-729 (2003) (with Jennifer Nash and Todd Olmstead)
- “Does Consensus Work? Pragmatism and Democracy in the Regulatory Process,” in Alfonso Morales, ed., *Renascent Pragmatism: Studies in Law and Social Science* 80-95 (Ashgate Press, 2003)
- “Management-Based Regulation: Prescribing Private Management to Achieve Public Goals,” *Law & Society Review* 37: 691-730 (2003) (with David Lazer)
- “The Pathologies of Consensus-Building,” *American Bar Association Second Generation Issues Committee Newsletter* 3: 18-23 (August 2003)
- “Is Satisfaction Success? Evaluating Public Participation in Regulatory Policy Making,” in Rosemary O’Leary and Lisa Bingham, eds., *The Promise and Performance of Environmental Conflict Resolution* 69-86 (Resources for the Future Press, 2003)
- *Translated as “¿La Satisfacción de los Participantes es Sinónimo de Éxito? Una Evaluación de la Participación Pública en el Proceso de Elaboración de Reglamentos,” in Revista Andaluza de Administración Pública* 50: 83-105 (2003))
- “Collective Silence and Individual Voice: The Logic of Information Games,” in Jac Heckelman & Dennis Coates, eds., *Collective Choice: Essays in Honor of Mancur Olson* 49-70 (Springer-Verlag, 2003) (with Edward Parson and Richard Zeckhauser)
- “Empirical Analysis and Administrative Law,” *University of Illinois Law Journal* 2002: 1111-1137 (2002)
- *Translated into Korean for Conflict Resolution and Law* (2008)

- “Bounded Evaluation: Cognition, Incoherence, and Regulatory Policy,” *Stanford Law Review* 54: 1217-1238 (2002)
- “Management-Based Regulatory Strategies,” in John D. Donahue and Joseph S. Nye, eds., *Market-Based Governance* 201-226 (Brookings Institution Press, 2002) (with David Lazer)
- “Policy Options for Improving Environmental Management in the Private Sector,” *Environment* 44: 10-23 (2002) (with Jennifer Nash)
- Reprinted in Nicholas A. Ashford and Charles C. Caldart, *Environmental Law, Policy, and Economics* (MIT Press, 2008))
- “Social Movements, Law, and Society: The Institutionalization of the Environmental Movement,” *University of Pennsylvania Law Review* 150: 85-118 (2001)
- Reprinted in Michael McCann, ed., *Law and Social Movements* (Ashgate, 2006))
- “Administrative Law,” in Paul B. Baltes & Neil J. Smelser, eds., *International Encyclopedia of Social and Behavioral Sciences* 1: 85-88 (Elsevier, 2001)
- “Assessing the Advocacy of Negotiated Rulemaking: A Response to Philip Harter,” *New York University Environmental Law Journal* 9: 386-447 (2001)
- “Bolstering Private-Sector Environmental Management,” *Issues in Science and Technology* 17: 69-74 (Spring 2001) (with Jennifer Nash)
- “Is Consensus an Appropriate Basis for Regulatory Policy?” in Eric Orts and Kurt Deketelaere, eds., *Environmental Contracts: Comparative Approaches to Regulatory Innovation in the United States and Europe* 93-113 (Kluwer Law International, 2001)
- “Environmental Management Systems and the New Policy Agenda,” in Cary Coglianese and Jennifer Nash, eds., *Regulating from the Inside: Can Environmental Management Systems Achieve Policy Goals?* 1-25 (Johns Hopkins University Press/Resources for the Future Press, 2001) (with Jennifer Nash)
- “Policies to Promote Systematic Environmental Management,” in Cary Coglianese and Jennifer Nash, eds., *Regulating from the Inside: Can Environmental Management Systems Achieve Policy Goals?* 181-197 (Johns Hopkins University Press/Resources for the Future Press, 2001)
- “Toward Management-Based Environmental Policy?,” in Cary Coglianese and Jennifer Nash, eds., *Regulating from the Inside: Can Environmental Management Systems Achieve Policy Goals?* 222-234 (Resources for the Future Press, 2001) (with Jennifer Nash)
- Reprinted in Nicholas A. Ashford and Charles C. Caldart, *Environmental Law, Policy, and Economics* (MIT Press, 2008))
- “Securing Subsidiarity: The Institutional Design of Federalism in the US and Europe,” in Kalypso Nicolaidis and Robert Howse, eds., *The Federal Vision: Legitimacy and Levels of Governance in the US and the EU* 277-299 (Oxford University Press, 2001) (with Kalypso Nicolaidis)
- “The Constitution and the Costs of Clean Air,” *Environment* 42: 32-37 (2000)
- “Globalization and the Design of International Institutions,” in Joseph S. Nye and John D. Donahue, eds., *Governance in a Globalizing World* 297-318 (Brookings Institution Press, 2000)
- “The Limits of Consensus,” *Environment* 41: 28-33 (1999)
- “Getting the Message Out: Regulatory Policy and the Press,” *Harvard International Journal of Press/Politics* 3: 39-55 (1998) (with Margaret Howard)

- “Implications of Liberal Neutrality for Environmental Policy,” *Environmental Ethics* 20:41-61 (1998)
- “Assessing Consensus: The Promise and Performance of Negotiated Rulemaking,” *Duke Law Journal* 46: 1255-1349 (1997)
- *Reprinted in* Bernard Schwartz & Robert L. Corrada, eds., *Administrative Law: A Casebook*, 5<sup>th</sup> ed. (Aspen Publishers, Inc., 2001)
  - *Reprinted in* Lawrence E. Susskind & Larry Crump, *Multiparty Negotiation*, vol. 2, 318-385 (Sage 2008)
- “Litigating Within Relationships: Disputes and Disturbance in the Regulatory Process,” *Law & Society Review* 30: 735-765 (1996)
- “Insuring Rule 11 Sanctions,” *Michigan Law Review* 88: 344-85 (1989)

### **Monographs and Policy Reports**

- “Evaluating the Performance of Regulation and Regulatory Policy,” Report to the Organization of Economic Cooperation and Development (2011)
- “Federal Agency Use of Electronic Media in the Rulemaking Process,” Report to the Administrative Conference of the United States (2011)
- “Transparency and Public Participation in the Rulemaking Process: A Nonpartisan Presidential Task Force Report” (2008) (with Heather Kilmartin & Evan Mendelson)
- “Management-Based Regulation: Implications for Public Policy,” Organization for Economic Cooperation and Development Report No. GOV/PGC/REG(2008)5 (2008)
- “State and Federal Performance-Based Environmental Programs: Assessing Goals, Activities, Communication, and Data Collection,” report prepared for the U.S. Environmental Protection Agency (2008) (with Jonathan Borck & Jennifer Nash)
- “Evaluating the Social Effects of Performance-Based Environmental Programs,” report prepared for the U.S. Environmental Protection Agency (2008) (with Jonathan Borck & Jennifer Nash)
- “Beyond Compliance: Business Decision Making and the US EPA’s Performance Track Program,” Regulatory Policy Program Report No. RPP-10 (2006) (with Jennifer Nash)
- “E-Rulemaking in the 21st Century: Issues and Themes from a Congressional Symposium,” prepared for the Committee on the Judiciary, U.S. House of Representatives (2006)
- “After the Scandals: Changing Relationships in Corporate Governance,” Regulatory Policy Program Report No. RPP-09 (2006) (with Michael L. Michael)
- Comments on the Federal Docket Management System, filed with the Office of Electronic Government and Information Technology and the Office of Information and Regulatory Affairs, Office of Management and Budget, November 11, 2004 (with Stuart Shapiro and Steven Balla) (filed on behalf of 58 legal scholars and social scientists)
- *Reprinted as* “Recommended Guidelines for the Design of the Federal Docket Management System (FDMS),” AEI-Brookings Joint Center for Regulatory Studies Publication 04-30
  - *Endorsed by* the Section of Administrative Law and Regulatory Practice of the American Bar Association, November 16, 2004)

“Management-Based Regulation: Prescribing Private Management to Achieve Public Goals,” Regulatory Policy Program Report No. RPP-04 (2002) (*reprinted as* AEI-Brookings Joint Center for Regulatory Studies Working Paper 02-11) (with David Lazer)

“Performance-Based Regulation: Prospects and Limitations in Health, Safety, and Environmental Regulation,” Regulatory Policy Program Report No. RPP-03 (2002) (with Jennifer Nash and Todd Olmstead)

- *Translated into French by the Canadian Department of Justice as “Réglementation axée sur la performance: Possibilités et limites dans les domaines de la santé, de la sécurité et de la protection de l’environnement”*)

*Amicus curiae* brief filed with the Supreme Court of the United States in *Browner v. American Trucking Associations, Inc.*, No. 99-1257, September 11, 2000 (filed on behalf of 20 law professors, economists, and scientists)

- *Reprinted as “Principled Standard Setting Requires Consideration of More than Science,”* AEI-Brookings Joint Center for Regulatory Studies Brief 00-02) (with Gary Marchant)

## **Op-Eds and Essays**

“A Management Mess in the Obama Administration?,” *Politico.com* (April 17, 2012)

“An Incomplete Contraceptive Coverage Compromise,” *RegBlog* (February 13, 2012)

“Taking Regulation Seriously,” *Politico.com* (January 28, 2012)

“A Backwards Idea from the FCC,” *RegBlog* (January 10, 2012)

“Is the Regulatory Sky About to Fall?” *Politico.com* (December 3, 2011)

“Making the Rulemaking Process Accessible to Ordinary Citizens,” *RegBlog* (September 6, 2011)

“Tracking Down Killer Regulations,” *Politico.com* (June 18, 2011)

“The Administration’s Regulatory Review Plans: Toward Evidence-Based Governance,” *RegBlog* (May 26, 2011)

“Open Government and Its Impact,” *RegBlog* (May 8, 2011)

“Let’s Review the Rules,” *Los Angeles Times* (April 29, 2011)

“New Executive Order Promotes Public Participation,” *RegBlog* (January 18, 2011)

“E-Government and Inequality in Public Participation,” *Jotwell* (September 27, 2010)

“Elena Kagan and the Regulatory State,” *RegBlog* (July 3, 2010)

“Open Government Plans Revealed,” *RegBlog* (April 7, 2010)

“Seeing Through the Transparency Myth,” *Philadelphia Inquirer* (August 26, 2009)

“‘70s-Era Law Won’t Solve Global Issue,” *Boston Globe* (May 2, 2009)

“Weak Democracy, Strong Information: The Role of Information Technology in the Rulemaking Process,” *Complexity and Social Networks Blog* (Jan. 10, 2008)

## Reviews

- Review, "The Search for Slowness," *Jotwell.com* (April 11, 2012) (reviewing Jason Webb Yackee & Susan Webb Yackee, *Administrative Procedures and Bureaucratic Performance: Is Federal Rulemaking 'Ossified'?*)
- Review, "Process Choice," *Regulation & Governance* (2011) (reviewing Andrew Morriss, Bruce Yandle & Andrew Dorchak, *Regulation by Litigation*)
- Review, "E-Government and Inequality in Political Participation," *Jotwell.com* (September 27, 2010) (reviewing Kay Lehman Schlozman, Sidney Verba, & Henry Brady, *Weapon of the Strong? Participatory Inequality and the Internet*)
- Review, *Law & Society Review* 42:932-934 (2008) (reviewing Aseem Prakash and Matthew Potoski, *The Voluntary Environmentalists: Green Clubs, ISO 14001, and Environmental Regulation*)
- Review, *Environment* 44:44 (2002) (reviewing Paul S. Fischbeck and R. Scott Farrow, eds., *Improving Regulation: Cases in Environment, Health, and Safety*)
- Review, *Law and Politics Book Review* 6:6-8 (1996) (reviewing David M. Rosenbloom and Richard D. Schwartz, eds., *Handbook of Regulation and Administrative Law*)
- Review, *Law and Politics Book Review* 2:83-85 (1992) (reviewing Richard B. Sobol, *Bending the Law*)
- Review, *Michigan Law Review* 88:1662-67 (1990) (reviewing Robert A. Dahl, *Democracy and Its Critics*)
- Review, *Michigan Law Review* 88:1759-64 (1990) (reviewing Nathan Glazer, *The Limits of Social Policy*)

## PRESENTATIONS

- 2011 Administrative Conference of the United States; Association of Public Policy Analysis & Management; National Academies of Sciences; Organization for Economic Co-operation and Development; Temple University; University of Akron; University of Michigan; University of Minnesota; University of Wisconsin; University of Pennsylvania Medical School; Wharton School
- 2010 Canadian Institute for the Administration of Justice; Law & Society Association; National Academies of Science; University of Maine (keynote); Wharton School
- 2009 American Bar Association Administrative Law & Regulatory Practice Section Rulemaking Institute (keynote); American Political Science Association; Carleton University (inaugural endowed Dagg Lecture); Law & Society Association; The College of Idaho; University of Minnesota; University of Wisconsin
- 2008 American Bar Association Administrative Law & Regulatory Practice Section; American Enterprise Institute; American Political Science Association; Arizona State University College of Law; Georgetown Law Center; Harvard University John F. Kennedy School of Government; Law & Society Association; Michigan State University Law School; New York University Law School; Organization for Economic Co-operation and Development; Resources for the Future; University of California at Berkeley; University of San Diego Law School; University of Wisconsin

- 2007 American Political Science Association; Bertelsmann Foundation International Regulatory Reform Conference; Georgetown Law Center; Harvard University John F. Kennedy School of Government; International Digital Government Research Conference; Law & Society Association; Northeastern University; UK Better Regulation Executive
- 2006 Inter-Jurisdictional Regulatory Collaboration Committee on the Use of Risk in Regulation; Massachusetts Legislature's Joint Committee on Public Service; United States House of Representatives, Committee on the Judiciary's Subcommittee on Commercial and Administrative Law
- 2005 Association of Public Policy and Management; Duke University Law School; Duke University Sanford Institute of Public Policy; Law & Society Association; State Street Global Advisors Management Conference; University of Minnesota Law School (Pattee Lecture); University of Pennsylvania Law School; South African Mine Health & Safety Council; Vanderbilt University Law School
- 2004 American Bar Association Section on Administrative Law and Regulatory Practice; American University; Association for Public Policy Analysis and Management; George Washington University Law School; Institute of Medicine/National Academies of Sciences; Michigan State University College of Law; Stanford Law School; Stanford University Environmental Forum; State Street Global Advisors Management Conference; University of California, Berkeley, Boalt Hall School of Law; University of California, Berkeley, Goldman School of Public Policy; University of California, Berkeley, Haas School of Business; University of California, Santa Barbara, Donald Bren School of Environmental Science & Management; University of Michigan Ross School of Business
- 2003 American Political Science Association; British Columbia Ministry of Competition, Science, and Enterprise (keynote address); Canadian Department of Justice (keynote address); Canadian Ministry of Transport; George Washington University Law School; Harvard University Health Care Delivery Policy Program; Law and Society Association; National Academy of Sciences; National Research Council; State Street Global Advisors Management Conference; University of Pennsylvania Law School; University of Pennsylvania Wharton School; Stanford Law School; Yale Law School
- 2002 American Nuclear Society; Columbia-Wharton/Penn Roundtable; George Washington University; Harvard University Regulatory Policy Program; Law and Society Association; Massachusetts Institute of Technology; Resources for the Future; State Street Global Advisors Management Conference; Transportation Research Board of the National Academy of Sciences
- 2001 Association for Public Policy and Management; Carnegie Mellon University; Environmental Law Institute/National Academy of Public Administration; European Union Financial Counselors Meeting; Harvard University John F. Kennedy School of Government; InterAction Council; Joint Meeting of U.K. Railway Safety and the U.S. Federal Railroad Administration; Kansai Keizai Doyukai Association; National Defense University; Pacific Industrial and Business Association; Resources for the Future; Workshop on Evaluating Environmental and Public Policy Dispute Resolution Programs and Policies, Syracuse University's Maxwell School and Indiana University's Conflict Resolution Institute; University of California, Santa Barbara, Bren School of Environmental Science & Management; University of Illinois College of Law; University of Pennsylvania Law School
- 2000 American Political Science Association; Association of American Law Schools; Law and Society Association; Massachusetts Institute of Technology Sloan School of Management; Multi-State Working Group on Environmental Management Systems

- 1999 Association for Public Policy and Management; Global Environmental Assessment Project, Harvard University; Greening of Industry Network; Harvard Law School; Harvard University Transatlantic Symposium on Rethinking Federalism in the EU and US; Law and Society Association; Research Summit on Environmental Management Systems sponsored by the U.S. Environmental Protection Agency, Multi-State Working Group on Environmental Management Systems, and Brookings Institution; University of Pennsylvania Law School; Visions of Governance for the Twenty-First Century Conference
- 1998 Association of American Law Schools; Environmental Economics and Policy Seminar, Harvard University; Law and Society Association; University of Texas Law School
- 1997 American Political Science Association; Duke Law School; Harvard University Department of Government; Law and Society Association
- 1996 American Political Science Association; Northeastern Political Science Association
- 1995 Law and Society Association
- 1993 American Political Science Association; International Political Science Assn. Research Committee on Comparative Judicial Studies; Law & Society Association; University of Michigan
- 1992 Law and Society Association
- 1991 Midwest Political Science Association

## **GRANTS AND FELLOWSHIPS**

- Robert Wood Johnson Foundation (for research on improving enforcement of workplace health and safety regulation), 2010-
- University of Pennsylvania Office of the Provost (for conference and edited volume on import safety in the global economy), 2008-2009
- University of Pennsylvania Provost's Interdisciplinary Seminar Fund (for seminar series on risk and regulation), 2007-2008
- Fellowship in Environmental Regulatory Implementation, Resources for the Future, 2005-2007
- Multi-State Working Group on Environmental Performance (for research on environmental policy innovation), 2005-2006
- Fellowship in Environmental Regulatory Implementation, Resources for the Future, 2003-2004
- U.S. Environmental Protection Agency (for research on industry participation in tiered regulatory recognition programs), 2002-2004
- U.S. Environmental Protection Agency (for research on innovative regulatory strategies), 2002-2004
- National Science Foundation (for research on e-rulemaking), 2002-2003
- American Chemistry Council (for conference on environmental policy innovation), 2002-2003
- U.S. Department of Transportation, Federal Railroad Administration (for research on performance-based regulation), 2001-2002
- Kansai Keizai Doyukai Association (for research on performance-based regulation), 2001-2002
- Council of State Governments (for research on environmental management systems), 2001
- Smith Richardson Foundation (for research on judicial review of administrative rulemaking), 2001

Visions of Governance for the 21st Century Project (for research on management regulation), 2000  
Goldsmith Research Award, Joan Shorenstein Center on the Press, Politics, and Public Policy (for research on press coverage of regulatory policy), 1997  
Ford Foundation, Innovations in American Government Program (for research on regulation), 1996  
National Science Foundation (for research on interest group litigation), 1992-94  
Gerald R. Ford Fellowship, University of Michigan (for dissertation research on American politics and public policy), 1992-94  
Research Partnership Award, University of Michigan (for research on environmental litigation), 1991-92

## **HONORS AND AWARDS**

Pro Bono Supervisor of the Year, Environmental Law Project, University of Pennsylvania Law School, 2010, 2011  
Distinguished Service Award, Center for Business and Government, John F. Kennedy School of Government, 2006  
Fellow, American Bar Foundation, 2006-  
Edward S. Corwin Award, American Political Science Association (for best dissertation in the field of public law), 1995  
Order of the Coif and *Magna Cum Laude*, University of Michigan Law School, 1991  
West Publishing Company Award, University of Michigan Law School, 1991  
University of Michigan Law School Book Awards (for Federal Environmental Law, Legal Philosophy, Constitutional Law, Legal Writing and Oral Advocacy, and Criminal Law), 1987-90  
The College of Idaho *Magna Cum Laude*, Departmental Honors in Philosophy, & Lawrence Henry Gipson Scholar, 1985

## **UNIVERSITY COURSES**

Administrative Law (law school course)  
Doctoral Research Seminar (required seminar for public policy doctoral candidates)  
Energy and Environmental Policy (graduate research seminar)  
Environmental Law (law school course)  
Law and Administration (graduate seminar on administrative law)  
Law and Public Policy (graduate course on legal methods and legal process)  
Legislation (law school course on statutory interpretation and the legislative process)  
Making Regulatory Policy (graduate and law school course on regulatory policy)  
Policy Analysis (law school research seminar)  
Responsibilities of Public Action (required graduate course on political theory and ethics)

## **EXECUTIVE AND SHORT COURSE TEACHING**

- “The Regulatory Process” and “Environmental Regulation,” University of Pennsylvania Law and Business Fellowship Program for Professional Women in the Middle East, March 2007, April 2008, & May 2009
- “When Should Government Act?,” Food and Drug Administration Senior Management Executive Program on Regulatory Policy, University of Maryland School of Public Affairs, April 2005
- “Making Agency Law Through Rulemaking,” first annual Administrative Law and Regulatory Practice Institute, American Bar Association’s Section of Administrative Law and Regulatory Practice, Washington, D.C., April 2005
- “Tools for Regulatory Policy,” Food and Drug Administration Senior Management Executive Program on Regulatory Policy, University of Maryland School of Public Affairs, June 2003
- “Ethics: Creating a Fiduciary Culture,” Kennedy School Executive Program on the Regulation of the Russian Securities Market, May 1998
- “Nonprofits, Voluntary Groups, and American Democracy,” Kennedy School Alumni Refresher Weekend, May 1998
- “Consensus at the Crossroads,” Kennedy School Executive Program on Regulatory Reform, August 1997 & October 1998
- “Introduction to Political Institutions,” Kennedy School Summer Program, 1996 & 1997

## **CONFERENCES AND SEMINARS ORGANIZED**

- Roundtable on “Implementing the Volcker Rule,” Morrison & Foerster, Washington, D.C., March 2012
- Conference on “Regulatory Breakdown?: The Crisis of Confidence in U.S. Regulation,” University of Pennsylvania Law School, Philadelphia, September, 2011
- Workshop on “Assessing Open Government: Research Challenges in Evaluating Transparency,” Penn Program on Regulation Washington Workshop, May 2011
- Workshop on “Import Safety: Regulatory Governance in the Global Economy,” University of Pennsylvania Law School, Philadelphia, May, 2009
- Panel on “Democratizing Regulation? Transparency and Public Participation in the Regulatory Process,” International Regulatory Reform Conference, Berlin, November 2008
- Panel on “The Obama Win: Law, Politics, and Policy after the Election,” University of Pennsylvania Law School, Philadelphia, November 2008
- Panels of the Collaborative Research Network on Regulatory Governance, Annual Meeting of the Law & Society Association, Montreal, May 2008
- Risk Regulation Seminar Series, University of Pennsylvania Law School & Wharton School, Philadelphia, Pennsylvania, 2007-
- Panels of the Collaborative Research Network on Regulatory Governance, Annual Meeting of the Law & Society Association, Berlin, July 2007

Penn Program on Regulation Symposium on “White House Review of Rulemaking: Looking Back, Looking Forward,” University of Pennsylvania Law School, Philadelphia, Pennsylvania, December 2006

Catastrophic Risk and Regulation Seminar Series, University of Pennsylvania Law School, Philadelphia, Pennsylvania, 2006-2007

Panels of the Collaborative Research Network on Regulatory Governance, Annual Meeting of the Law & Society Association, Baltimore, MD, July 2006

Regulatory Policy Program Conference on “After the Scandals: Changing Corporate Relationships,” Cambridge, Massachusetts, May 2006

Committee on the Judiciary, U.S. House of Representatives Symposium on “E-Rulemaking in the 21<sup>st</sup> Century,” Washington, D.C., December 2005

Panels of the Collaborative Research Network on Regulatory Governance, Annual Meeting of the Law & Society Association, Las Vegas, Nevada, June 2005

Regulatory Policy Program Workshop on Business Decision Making and EPA’s National Environmental Performance Track Program, Cambridge, Massachusetts, October 2004

Panels of the Collaborative Research Network on Regulatory Governance, Annual Meeting of the Law & Society Association, Chicago, Illinois, May 2004

Regulatory Policy Program Conference on “The Role of Government in Corporate Governance,” Cambridge, Massachusetts, May 2004

Regulatory Policy Program Dialogue on “Restoring Trust in Capital Markets,” Cambridge, Massachusetts, November 2003

Regulatory Policy Program Conference on “Leveraging the Private Sector: Management-Based Strategies for Improving Environmental Performance,” Washington, D.C., July 2003

Panel on “Regulation and the Reflexive Management of Organizations,” Annual Meeting of the Law and Society Association, Pittsburgh, Pennsylvania, June 2003

Panel on “E-Rulemaking: New Directions for Information Technology and Regulation,” National Conference on Digital Government Research, Boston, Massachusetts, May 2003

Regulatory Policy Program Panel on “Whistleblowers: Dissent Within Organizations,” Cambridge, Massachusetts, April 2003

Regulatory Policy Program Panel on “The New Agenda at the SEC,” Cambridge, Massachusetts, April 2003

Regulatory Policy Program Conference, “E-Rulemaking: New Directions for Technology and Regulation,” Cambridge, Massachusetts, January 2003

Corporate Governance and Public Policy Seminar Series, John F. Kennedy School of Government, Cambridge, Massachusetts, 2002-2005

Kennedy School Forum, “Corporate Fraud and Rattled Investors,” Cambridge, Massachusetts, September 2002

Panel on “Voluntary and Deterrence Based Regulatory Strategies,” Annual Meeting of the Law and Society Association, Vancouver, British Columbia, June 2002

Regulatory Policy Program Workshop, “Performance-Based Regulation: Prospects and Limitations in Health, Safety, and Environmental Protection,” Washington, D.C., May 2002

Kennedy School Forum, “Enron: Causes, Effects, Cures,” Cambridge, Massachusetts, April 2002

Regulatory Policy Program Workshop, “Information Technology and Rulemaking,” Washington, D.C., March 2002

Panels on “Regulatory Enforcement and Compliance” and “Trends and Themes in Regulatory Studies,” Annual Meeting of the Law and Society Association, Budapest, Hungary, July 2001

Regulatory Policy Program Workshop, “The Role of Science and Economics in Setting Environmental Standards,” Washington, D.C., May 2001 (co-sponsored with the Environmental Economics Program at Harvard University and the Environment and Natural Resources Program)

New Directions in Regulation Seminar Series, John F. Kennedy School of Government, Cambridge, Massachusetts, 1998-2006 (faculty seminar series of more than one hundred sessions)

Panel on “Interest Groups, Agencies, and Environmental Law,” Annual Meeting of the Law and Society Association, Philadelphia, Pennsylvania, 1992

## UNIVERSITY SERVICE

Director, Penn Program on Regulation, University of Pennsylvania Law School, 2006-

Founder & Advisor, *RegBlog*, 2009-

Member, Executive Committee, Initiative for Global Environmental Leadership, University of Pennsylvania, 2006-

Member, Provost’s Academic Planning and Budget Committee, University of Pennsylvania, 2008-2011

Member, Appointments Committee, University of Pennsylvania Law School, 2007-2008

Member, International Programs Committee, University of Pennsylvania Law School, 2006-2007

Member, Kennedy School Committee on Digital Copyright and Patriot Act Issues, 2003-2005

Member, Research Steering Committee, KSG Health Care Delivery Policy Program, 2003-2006

Member, Kennedy School Disciplinary Review Board, 2002-2003

Member, Executive Committee, KSG Environment & Natural Resources Faculty Group, 2001-2006

Chair, Regulatory Policy Program, Center for Business and Government, 2000-2006

Faculty Chair, Concentration in Regulation and Industry Analysis, 2000-2006

Organizer, Seminar on New Directions in Regulation, 1998-2006

Member, Ph.D. in Political Economy and Government Committee, 1997-2006

Director, Politics Research Group, 1995-2006

Member, Policy Analysis Exercise Awards Committee, 1995, 1998, 2003

Member, Faculty Search Committees in Politics, Management, Ethics, and Law, 1996-2002

Member, Mid-Career Program Admissions Committee, 1994-1999

## PROFESSIONAL ACTIVITIES

- Invited Presentation, President's Council on Jobs and Competitiveness Working Group on Regulation, 2011
- Co-Chair, E-Government Committee, American Bar Association's Section of Administrative Law and Regulatory Practice, 2011-present
- Member, National Advisory Committee, International Conference on Theory and Practice of Electronic Governance, 2011-
- Member, Policy, Markets and Behavior Advisory Committee, Greater Philadelphia Innovation Cluster for Energy Efficient Buildings, 2011-present
- Co-Chair, Rulemaking Committee, American Bar Association's Section of Administrative Law and Regulatory Practice, 2010-2011
- Invited Testimony on "The Role of Science in Regulatory Reform," United States House of Representatives, Committee on Science and Technology's Subcommittee on Investigations and Oversight, 2009
- Member, Editorial Board, *Regulation & Governance*, 2009-
- Chair, Task Force on Transparency and Public Participation, OMB Watch Project on "Advancing the Public Interest Through Regulatory Reform," 2008
- Council Member, American Bar Association's Section of Administrative Law and Regulatory Practice, 2007-2010
- Consultant to the U.S. Environmental Protection Agency (on measurement and evaluation issues related to performance-based environmental programs), 2007-2008
- Member, American Bar Association Committee on the Status & Future of Federal E-Rule-making, 2007 -2008
- Chair and Discussant, Panels on "Climate Change, Legal Change," "Collaborative Governance and Its Critics," and "Regulation and Developing Economies," Annual Meeting of the Law & Society Association, 2007
- Chair and Discussant, Panel on "Organizational Transformations," Northeast Law & Society Conference, 2007
- Invited Testimony on "The 60th Anniversary of the Administrative Procedure Act: Where Do We Go From Here?," United States House of Representatives, Committee on the Judiciary's Subcommittee on Commercial and Administrative Law, 2006
- Invited Testimony on Pension Regulation Reform before the Massachusetts Legislature's Joint Committee on Public Service, 2006
- Member, Publications Committee, Law & Society Association, 2006-
- Member, Annual Meeting Program Committee, Law & Society Association, 2005-2007
- Editor, *Regulation & Governance* (international, peer-reviewed journal), 2005-2008
- Member, Editorial Board, *International Journal of Electronic Governance*, 2005-
- Expert Witness (on regulatory process), Welding Fume Products Liability Litigation, 2005, 2010

Member, Reform Initiatives Advisory Committee, Massachusetts Public Employee Retirement Administration Commission, 2004-2005

Facilitator, U.S. Environmental Protection Agency Public Forum on eRulemaking, Cambridge, Massachusetts, 2004

Vice-Chair, Committee on Innovation, Management Systems, and Trading of the American Bar Association's Section of Environment, Energy, and Resources, 2003-

Chair, Panel on "Digital Government Research Trends: Emergence and Evolution," Annual Meeting of the American Political Science Association, 2003

Vice-Chair, E-Rulemaking Committee of the American Bar Association's Section of Administrative Law and Regulatory Practice, 2002-

Chair, Panel on "Redefining the Fields: Responsive Regulation Meets Governmentality," Annual Meeting of the Law and Society Association, 2002

Member, Lifetime Achievement Award Committee, Law and Courts Section, American Political Science Association, 2002-2003

Member, Editorial Board, Memos to the Governor Project, The American Society for Public Administration, Massachusetts Chapter, 2001-2002

Chair and Discussant, Panel on "Regulatory Enforcement and Compliance," Annual Meeting of the Law and Society Association, 2001

Founder and Co-Chair, Collaborative Research Network on Regulatory Governance, Law & Society Association, 2000-

Member, Editorial Board, Comparative Environmental Law and Policy Series, Kluwer Law International, 2000-

Member, Editorial Board, *Law & Society Review*, 2000-2003

Counsel of Record and Co-Author, *Amicus curiae* brief filed on behalf of twenty professors and scientists in *American Trucking Associations v. Browner* (U.S. Supreme Court), 2000

Member, Research Design Team, Multi-State Working Group on Environmental Management Systems, 1999-2000

Member, Planning Committee for Didactics Workshop, Law & Society Association, 1998-99

Participant, Forum on Data Collection, Multi-State Working Group on EMSs, 1998

Discussant, Panel on "Environmental Law," Annual Meeting of the Law and Society Association, 1998

Discussant, Panels on "Courts and the Policy Process" and "Trustworthy Government: Connecting Bureaucrats and Citizens," Annual Meeting of the American Political Science Association, 1998

Invited Participant, Workshop on Local Response to Global Change: Strategies of Information Transfer and Decision Making for Cross-Scale Environmental Risks, Belfer Center for Science and International Affairs, 1998

Evaluator, Ford Foundation's Innovations in American Government Program (evaluated the U.S. EPA's 33/50 Program, the State of Florida's Ecosystem Management Initiative, and the Department of Defense's Ozone Depleting Chemical Elimination Program), 1995-97

Member, Westview Press Award Committee, Midwest Political Science Association, 1996-97

Discussant, Panel on “Lobbying,” Midwest Political Science Association Annual Meeting, 1995  
Facilitator, EPA-New England’s and the National Performance Review’s Stakeholder Reinvention Outreach Meeting, Cambridge, Massachusetts, 1995  
Invited Participant, Summer Institute in Socio-Legal Studies, Amherst College, 1992  
Invited Participant, Law and Society Association Graduate Student Workshops, 1989-90  
Associate Editor and Contributing Editor, *Michigan Law Review*, 1988-91  
Reviewer for numerous journals, foundations, and presses, including:

*Academy of Management Review; Administration & Society; American Political Science Review; British Journal of Political Science; British Journal of Sociology; Harvard International Journal of Press/Politics; Harvard Law Review; Harvard University Press; Journal of Environmental Management; Journal of Policy Analysis & Management; Journal of Politics; Journal of Public Administration Research and Theory; Law & Policy; Law & Society Review; National Science Foundation; Policy Sciences; Politics Research Quarterly; Princeton University Press; Public Administration; Public Administration Review; Regulation & Governance; Resources for the Future Press; Review of Environmental Economics and Policy; Risk Analysis; Risk in Perspective; Smith Richardson Foundation; Stanford University Press; World Resources Institute; Yale University Press*

## **RELATED PROFESSIONAL EXPERIENCE**

Kirkland & Ellis, Washington, D.C., Summer 1989  
General Motors Corporation Legal Staff, Detroit, Michigan, Summer 1988  
Dykema Gossett, Detroit, Michigan, 1986-87  
University of Southern California, Institute of Safety and Systems Management, Los Angeles, California, 1985-86

## **PROFESSIONAL ASSOCIATIONS**

American Bar Association  
American Political Science Association  
American Society for Political and Legal Philosophy  
Association for Public Policy and Management  
Bar of the United States Supreme Court  
Environmental Law Institute  
Law and Society Association  
State Bar of Michigan