

NEOMI RAO

Antonin Scalia Law School at George Mason University
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EDUCATION

UNIVERSITY OF CHICAGO LAW SCHOOL, J.D. 1999, with high honors

- Order of the Coif
- *The University of Chicago Law Review*, Comment Editor
- *Harvard Journal of Law and Public Policy*, Executive Editor, Symposium Issue

YALE UNIVERSITY, B.A. 1995, *cum laude*

- Highest distinction in Ethics, Politics & Economics, and Philosophy

EXPERIENCE

ANTONIN SCALIA LAW SCHOOL, GEORGE MASON UNIVERSITY, Arlington, VA

Associate Professor with tenure, August 2012 - present

Assistant Professor, August 2006 - July 2012

Courses taught: constitutional law, legislation & statutory interpretation.

Faculty Advisor: Supreme Court Clinic, *George Mason Law Review*, Women's Law Association.

CENTER FOR THE STUDY OF THE ADMINISTRATIVE STATE, Arlington, VA

Founder and Director, September 2015 - present

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Public Member, September 2016 - present

UNIVERSITY OF MINNESOTA LAW SCHOOL, Minneapolis, MN

Visiting Professor, August - December 2012

OFFICE OF THE COUNSEL TO THE PRESIDENT, The White House

Associate Counsel and Special Assistant to the President, April 2005 - June 2006

CLIFFORD CHANCE LLP, London, England

Associate in the international arbitration group, November 2002 - March 2005

TEMPLE BAR FELLOWSHIP, London, England

Fellow, American Inns of Court, October 2002

THE HONORABLE CLARENCE THOMAS, U.S. Supreme Court

Law clerk, July 2001 - June 2002

UNITED STATES SENATE COMMITTEE ON THE JUDICIARY

Counsel for nominations and constitutional law, August 2000 - June 2001

THE HONORABLE J. HARVIE WILKINSON III, U.S. Court of Appeals for the Fourth Circuit

Law clerk, July 1999 - June 2000

ARTICLES

Administrative Collusion: How Delegation Diminishes the Collective Congress, 90 NEW YORK UNIVERSITY LAW REVIEW 1463 (2015).

“Taking Dignity Seriously,” in *LAW AND DIGNITY: ESSAYS IN HONOUR AND MEMORY OF PROFESSOR RONALD DWORKIN* (Oxford University Press) (forthcoming 2016).

Removal: Necessary and Sufficient for Presidential Control, 65 ALABAMA LAW REVIEW 1205 (2014).

The Trouble with Dignity and Rights of Recognition, 99 VIRGINIA LAW REVIEW ONLINE 29 (2013).

The Choice to Protect: Rethinking Responsibility for Humanitarian Intervention, 44 COLUMBIA HUMAN RIGHTS LAW REVIEW 697 (2013).

Public Choice and International Law Compliance: The Executive Branch is a They Not an It, 96 MINNESOTA LAW REVIEW 194 (2011).

American Dignity and Healthcare Reform, 35 HARVARD JOURNAL OF LAW AND PUBLIC POLICY 171 (2011).

A Modest Proposal: Abolishing Agency Independence in Free Enterprise Fund v. PCAOB, 79 FORDHAM LAW REVIEW 2541 (2011).

Three Concepts of Dignity in Constitutional Law, 86 NOTRE DAME LAW REVIEW 183 (2011).

Gender, Race, and Individual Dignity: Evaluating Justice Ginsburg's Equality Jurisprudence, 70 OHIO STATE LAW JOURNAL 1053 (2009).

The President's Sphere of Action, 45 WILLAMETTE LAW REVIEW 527 (2009).

On the Use and Abuse of Dignity in Constitutional Law, 14 COLUMBIA JOURNAL OF EUROPEAN LAW 201 (2008).

Background Information on the IBA Guidelines on Conflicts of Interest in International Arbitration, 5 BUSINESS LAW INTERNATIONAL 433 (2004) (co-authors, Otto de Witt Wijnen & Nathalie Voser).

Arbitration Meets the Class Action, 6 INTERNATIONAL ARBITRATION LAW REVIEW 216 (2003).

A Backdoor to Policy Making: The Use of Philosophers by the Supreme Court, 65 UNIVERSITY OF CHICAGO LAW REVIEW 1371 (1998).

OTHER PUBLICATIONS

John Roberts, OXFORD ENCYCLOPEDIA OF AMERICAN POLITICAL AND LEGAL HISTORY, OXFORD UNIVERSITY PRESS (2012).

A Backdoor to Policy Making: The Use of Philosophers by the Supreme Court, in RAWLS AND THE LAW (Thom Brooks, ed.) (2012).

Gender, Race, and Individual Dignity: Evaluating Justice Ginsburg's Equality Jurisprudence, in WOMEN AND THE LAW (Tracy Thomas, ed.) (2011).

On the Use and Abuse of Dignity in Constitutional Law, in PRIVACY LAW TODAY (Anita Allen, ed.) (2011).

CONGRESSIONAL TESTIMONY

Hearing on "Examining Agency Use of Deference, Part II," United States Senate Committee on Homeland Security and Government Affairs, Subcommittee on Regulatory Affairs and Federal Management, March 17, 2016

Hearing on "The Administrative State v. The Constitution: Dodd-Frank at Five Years," United States Senate Committee on the Judiciary, Subcommittee on the Constitution, July 23, 2015.

Hearing on the Nomination of Sonia Sotomayor to be an Associate Justice of the Supreme Court, United States Senate Committee on the Judiciary, July 16, 2009.

PROFESSIONAL ACTIVITIES

American Bar Association, Administrative Law Section
Council Member
Co-Chair, Regulatory Policy Committee

The Federalist Society
Federalism and Separation of Powers Practice Group, Executive Committee
Article I Project, Author
Law & Innovation Project, Regulatory Process Committee

Member of the Virginia State Bar

Qualified Solicitor of England and Wales (inactive)

SELECTED ACADEMIC WORKSHOPS AND PRESENTATIONS

“Congress, Delegation, and the Administrative State,” American Political Science Association Annual Meeting, Philadelphia, PA, September 2, 2016.

“Administrative Collusion: How Delegation Diminishes the Collective Congress,” Harvard Public Law Workshop, Cambridge, MA, April 15, 2015.

“Congressional Realism: How Delegation Expands Legislative Power,” Law and Economics Center Research Roundtable on Administrative Law, Arlington, VA, May 21, 2014.

“Securing Rights,” Conference on Citizenship, Immigration and National Security after 9/11, Fordham Law School, New York, NY, September 20, 2013.

“The Choice to Protect: Rethinking Responsibility for Humanitarian Intervention,” American Association of Law Schools, New Orleans, LA, January 6, 2013.

“Removal: Necessary and Sufficient for Presidential Control,” University of Minnesota Faculty Workshop, Minneapolis, MN, November 15, 2012.

“The Choice to Protect: Rethinking Responsibility for Humanitarian Intervention,” National Security Law Workshop, Houston, TX, May 11, 2012.

“The Removal Power: Constitutionally Necessary, Constitutionally Sufficient,” Administrative Law of Dodd-Frank Conference, Case Western Reserve School of Law, Cleveland, OH, April 6, 2012.

“The Choice to Protect: Rethinking Responsibility for Humanitarian Intervention,” Conference on Multi-Mode Governance, Shaping and Being Shaped by Globalization, European University Institute, Florence, Italy, December 16-17, 2011.

“Public Choice and International Law Compliance: The Executive Branch is a ‘They’ Not an ‘It,’” University of North Carolina Law School Faculty Workshop, Chapel Hill, NC, September 22, 2011.

“Public Choice and International Law Compliance: The Executive Branch is a ‘They’ Not an ‘It,’” with commentary by Mary Ellen O’Connell, Manne Faculty Forum, Arlington, VA, September 9, 2011.

“Must U.S. Courts Enforce America’s International Agreements? A Discussion of *Al-Bihani v. Obama*,” American University International Law Review Symposium on International Law Bares Its Teeth, Washington, DC, February 9, 2011.

“A Modest Proposal: Abolishing Agency Independence in *Free Enterprise Fund v. PCAOB*,” Fordham Law Review Symposium on Presidential Influence over Administrative Action, New York, NY, November 12, 2010.

“Questioning the Unitary State: Public Choice and Compliance with International Law,” Legal Scholarship Workshop, University of Chicago Law School, Chicago, IL, November 4, 2010.

“A Modest Proposal: Abolishing Agency Independence in *Free Enterprise Fund v. PCAOB*,” Judges and Judging Workshop, American University Washington College of Law, Washington, DC, September 24, 2010.

“Three Concepts of Dignity in Constitutional Law,” American Society of Comparative Law, Comparative Works-in-Progress Workshop, Champaign, IL, May 20, 2010.

“Three Concepts of Dignity in Constitutional Law,” Advanced Constitutional Law Colloquium, Georgetown University Law Center, Washington, DC, March 22, 2010.

“Three Concepts of Dignity,” with commentary by Richard Epstein, Young Legal Scholars Paper Competition, Federalist Society Faculty Conference, New Orleans, LA, January 9, 2010.

“Three Concepts of Dignity,” Current Research Workshop with commentary by Jeremy Rabkin and Mark Tushnet, Institute for Humane Studies, Arlington, VA, June 9, 2009.

“Gender, Race, and Individual Dignity: Evaluating Justice Ginsburg’s Equality Jurisprudence,” Ohio State Law Journal Symposium on The Jurisprudence of Justice Ruth Bader Ginsburg, Columbus, OH, April 10, 2009.

“India’s Constitution and Individual Rights,” Response to Abhishek Singhvi, Conference on Emerging India: Rights and Responsibilities, George Washington University School of Law, Washington, DC, March 13, 2009.

“The President and the Law: To Say What the Law Is,” Symposium on Presidential Powers in the 21st Century, Willamette Center for Law and Government, Salem, OR, September 12, 2008.

“On the Use and Abuse of Dignity in Constitutional Law,” Advanced Constitutional Law Colloquium, Georgetown University Law Center, Washington, DC, April 19, 2007.

“Resisting the Transnational in Constitutional Interpretation,” Response to Vicki Jackson, Comparative Constitutional Roundtable, George Washington University School of Law, Washington, DC, April 13, 2007.

SELECTED PROFESSIONAL SPEAKING

“The Imperial Presidency?,” Showcase Panel, American Constitution Society National Convention, Washington, DC, June 11, 2016.

“Executive Branch Overreach,” Speech, Lawyers for Civil Justice, Washington, DC, May 6, 2016

"Regulatory Capture in Rulemaking," Panelist, Administrative Conference of the United States Forum on Capitol Hill, March 3, 2016.

"Congress and the Administrative State," Speaker, Congressional Fellows Program in Constitutional Law, Washington, DC, February 5, 2016.

"The Living Congress: Adaptation or Decline," Showcase Panel, Federalist Society National Convention, Washington, DC, November 13, 2015.

"Supreme Court Preview," Panelist, New York University Law School, New York, NY, September 30, 2015.

"*Perez v. Mortgage Bankers Assoc.*," Panelist, American Bar Association Administrative Law Institute, Washington, DC, April 30, 2015.

"Shedding Light on the PRISM of Government," Showcase Panel, American Constitution Society National Convention, Washington, DC, June 21, 2014

"Supreme Court Roundup," Panelist, South Asian Bar Association National Convention, Chicago, IL, June 20, 2014.

"Executive Power and the Role of the Coordinate Branches," Panelist, Federalist Society Executive Branch Review Conference, Washington, DC, May 7, 2014.

"Supreme Court Review," Panelist, Virginia State Bar Association Annual Conference, Hot Springs, VA, July 19, 2013.

"Judicial Engagement in Enforcing Limits on Government Power," Moderator, Institute for Justice and *George Mason Law Review* Symposium, March 22, 2012.

"Dignity and the Healthcare Cases," Speaker, University of Colorado Federalist Society, March 15, 2012.

"Habits of Compliance: International Law and the Executive," Panelist and Organizer, International Law Weekend, International Law Association, New York, NY, October 21, 2011.

"Libya Intervention and Executive Power," Speaker with response by Mark Weisburd, Duke Federalist Society, Durham, NC, September 22, 2011.

"Executive Power and National Security," Panelist, American Constitution Society National Convention, Washington, DC, June 18, 2011.

"Does the President Have a Duty to Defend DOMA?" Moderator, Capitol Hill Chapter of the Federalist Society, Washington, DC, March 17, 2011.

"Welfare State and American Exceptionalism," Panelist, Federalist Society National Student Symposium, Charlottesville, VA, February 26, 2011.

“Responsibility to Protect: The Relationship between Human Dignity and State Sovereignty,” Panelist and Organizer, International Law Weekend, International Law Association, New York, NY, October 22, 2010.

“Use of Dignity in Constitutional Law,” Speaker, University of Chicago Law School Federalist Society, Chicago, IL, May 2010.

“Should American Courts Consider Foreign and International Law when Interpreting the American Constitution?” Debate, University of Virginia School of Law, Charlottesville, VA, March 3, 2010.

“The War on Terror: Where are we now? Where do we go from here?” Moderator, National Press Club, Washington, DC, January 27, 2010.

“Executive Discretion and the Rule of Law,” Panelist, Federalist Society Faculty Conference, New York, NY, January 3, 2008.

SELECTED MEDIA AND JOURNALISM

“Like Scalia, the law school at George Mason U. has a maverick streak,” *The Washington Post*, April 5, 2016

Article I, Section 1: The Non-Delegation Principle Persists, National Constitution Center Interactive Constitution, available at <https://constitutioncenter.org/interactive-constitution/>.

“The Supreme Court’s rule by talking points,” *The Washington Examiner*, July 7, 2015.

“Real Drone Strike Accountability Requires Political Checks,” *The New York Times*, April 25, 2015.

“A tale of two dignities,” *The Daily Caller*, January 24, 2013.

“The Constitution: Not Just for Courts,” *Wall Street Journal*, January 10, 2011.

“Elena Kagan and the ‘Hollow Charade,’” *Wall Street Journal*, May 11, 2010.

“Taking a Constitutional,” Book review of *The Citizen’s Constitution* by Seth Lipsky, *Commentary*, January 2010.

“Questions for Sotomayor,” *Wall Street Journal*, May 27, 2009.

Guest blogger on the Volokh Conspiracy and *Opinio Juris*. Quoted in *The New York Times* and other publications. Interviewed on National Public Radio, PBS NewsHour, MSNBC, Fox News Sunday, and CSPAN’s Washington Journal.