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Books:

MICROECONOMIC PREDICATES TO LAW AND ECONOMICS (Anderson Pub. Co., 1996).

Chapters:

Judicial Review, in DEVELOPMENTS IN ADMINISTRATIVE LAW AND REGULATORY PRACTICE 2002-2003 (American Bar Association, 2004) (with Jim Rossi and Keith Rizzardi).

Judicial Review of Findings of Fact, in DEVELOPMENTS IN ADMINISTRATIVE LAW AND REGULATORY PRACTICE 2001-2002 (Jeffrey S. Lubbers, ed., American Bar Association, 2003) (with Elizabeth Magill).

Judicial Review, in DEVELOPMENTS IN ADMINISTRATIVE LAW AND REGULATORY PRACTICE 2000-2001 (Jeffrey S. Lubbers, ed., American Bar Association, 2002) (with William S. Jordan III and Jim Rossi.)

Judicial Review, in DEVELOPMENTS IN ADMINISTRATIVE LAW AND REGULATORY PRACTICE 1999-2000 (Jeffrey S. Lubbers, ed., American Bar Association, 2001) (with William S. Jordan III.)

Rulemaking, in DEVELOPMENTS IN ADMINISTRATIVE LAW AND REGULATORY PRACTICE 1998-1999 (Jeffrey S. Lubbers, ed., American Bar Association, 2000).

Law Review and Journal Articles:

[*Chevron's Foundation*](#), 86 NOTRE DAME LAW REVIEW ____ (forthcoming 2010).

[*Who Decides Who Decides: Federal Regulatory Preemption of State Tort Law*](#), 65 NEW YORK UNIVERSITY ANNUAL SURVEY OF AMERICAN LAW 611 (2010).

[*Why Agencies Act: A Reassessment of the Ossification Critique of Judicial Review*](#), 69 OHIO STATE LAW JOURNAL 251 (2008).

[*In Search of Robin Hood: Suggested Legislative Responses to Kelo*](#), 23 JOURNAL OF LAND USE & ENVIRONMENTAL LAW 3005 (2008).

[*Administrative Law's Federalism: Preemption, Delegation, and Agencies at the Edge of Federal Power*](#), 57 DUKE LAW JOURNAL 1933 (2008) (with Brian Galle).

[*The Quixotic Quest for a “Unified” Theory of the Administrative State*](#), ISSUES IN LEGAL SCHOLARSHIP: THE REFORMATION OF THE AMERICAN ADMINISTRATIVE LAW (bepress, 2005) (also available at www.bepress.com/ils/iss6/).

[*“The Friendship of the People”: Citizen Participation in Environmental Enforcement*](#), 73 GEORGE WASHINGTON LAW REVIEW 269 (2005) (with Janna Satz Nugent).

[*Pyrrhic Political Penalties: Why the Public Would Lose Under the Penalty Default Canon*](#), 72 GEORGE WASHINGTON LAW REVIEW 724 (2004).

[*Cognitive Loafing, Social Conformity, and Judicial Review of Agency Rulemaking*](#), 87 CORNELL LAW REVIEW 486 (2002).

[*The Psychology of Accountability and Political Review of Agency Rules*](#), 51 DUKE LAW JOURNAL 1059 (2001).

[*An Apology for Administrative Law in “The Contracting State.”*](#) 28 FLORIDA STATE UNIVERSITY LAW REVIEW 215 (2000).

[*The False Promise of the “New” Nondelegation Doctrine*](#), 76 NOTRE DAME LAW REVIEW 1 (2000) (with Jim Rossi).

The Challenge of Teaching Administrative Law, 39 BRANDEIS LAW JOURNAL 293 (2000).

[*Empowering Stakeholders: Limits on Collaboration as the Basis for Flexible Regulation*](#), 41 WILLIAM AND MARY LAW REVIEW 411 (2000).

A Table of Requirements for Federal Administrative Rulemaking, 27 FLORIDA STATE UNIVERSITY LAW REVIEW 533 (2000).

[*Bending the Rules: Flexible Regulation and Constraints on Agency Discretion*](#), 51 ADMINISTRATIVE LAW REVIEW 429 (1999).

[*Hard Look Review in a World of Techno-Bureaucratic Decisionmaking: A Reply to Professor McGarity*](#), 75 TEXAS LAW REVIEW 559 (1997).

Playing Games with the Timing of Judicial Review: An Evaluation of Proposals to Restrict Pre-enforcement Review of Agency Rules, 58 OHIO STATE LAW JOURNAL 85 (1997).

[*Demystifying Deossification: Rethinking Recent Proposals to Modify Judicial Review of Notice and Comment Rulemaking*](#), 75 TEXAS LAW REVIEW 483 (1997).

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[*A Syncopated Chevron: Emphasizing Reasoned Decisionmaking in Reviewing Agency Interpretations of Statutes*](#), 73 TEXAS LAW REVIEW 83 (1994).

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Some Jurisprudential Perspectives on Employment Sex Discrimination Law and Comparable Worth, 21 RUTGERS LAW JOURNAL 269 (1990).

Other Publications:

[*Preemption and Federal Administrative Law*](#), ADMINISTRATIVE & REGULATORY LAW NEWS, Winter 2009, at 5 (with Brian Galle).

A Lawyer's Perspective on Microeconomics, FSU LAW, Winter 1997, at 25.

Note, *Sex-Based Wage Discrimination under the Title VII Disparate Impact Doctrine*, 34 STANFORD LAW REVIEW 1083 (1982).