

EMILY S. BREMER

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ACADEMIC APPOINTMENTS

Notre Dame Law School

Notre Dame, IN

Associate Professor of Law

2018-present

Courses: Civil Procedure, Business Associations

Outside Public Member, Administrative Conference of the United States (2017-present)

Activities: Regular Contributor, [YALE J. REG. NOTICE & COMMENT BLOG](#) (2016-present)

ABA Section of Administrative Law & Regulatory Practice:

- Council Member (2017-present)
- Co-Lead, Ad Hoc Committee on Administrative Law Transition, (2015-2016)
- Chair (2014-2016) & Vice Chair (2013-2014), Communications Committee

University of Wyoming College of Law

Laramie, WY

Assistant Professor of Law

2015-2018

Courses: Business Organizations, Business Planning, International Business Transactions, Legislation & Regulation

Service: Founder & Organizer, Wyoming Junior Scholars Forum (2017-2018)

Faculty Academic Standards, Rights & Responsibilities Committee (2016-2019)

College of Law Admissions Committee (2015-2018)

College of Law Honor Council (2016-2018)

College of Law Academic Policies & Procedures Committee (2015-2017)

Honors: College of Law Extraordinary Merit Award (2017-2018)

George Mason University School of Law

Arlington, VA

Adjunct Professor

Spring 2014

Course: Legislation & Statutory Interpretation

PUBLICATIONS

Articles:

[The Agency Declaratory Judgment](#), 78 OHIO ST. L.J. 1169 (2017).

[American and European Perspectives on Private Standards in Public Law](#), 91 TUL. L. REV. 325 (2016).

[On the Cost of Private Standards in Public Law](#), 63 KAN. L. REV. 279 (2015).

[The Unwritten Administrative Constitution](#), 65 FLA. L. REV. 1215 (2014).

[Clearing the Path to Justice: Reform of 28 U.S.C. § 1500](#), 65 ALA. L. REV. 1 (2013) (with Jonathan R. Siegel).

[Incorporation by Reference in an Open-Government Age](#), 36 HARV. J.L. & PUB. POL'Y 131 (2013).

[*The Dynamic Last-in-Time Rule*](#), 22 IND. INT'L & COMP. L. REV. 27 (2012).

Shorter Works:

United States v. Florida East Coast Railway Co., in LEADING CASES IN ADMINISTRATIVE LAW (Am. Bar Ass'n, forthcoming 2018).

Government Use of Standards in the U.S. and Abroad, in THE CAMBRIDGE HANDBOOK OF TECHNICAL STANDARDIZATION LAW, VOL. II: ADMINISTRATIVE LAW, COPYRIGHT, TRADEMARK AND CERTIFICATION, AND INTERNATIONAL TRADE (Jorge L. Contreras ed., Cambridge University Press, forthcoming 2018).

[*Designing the Decider*](#), 16 GEO. J.L. & PUB POL'Y 67 (2018) (invited symposium paper).

[*Agency Innovation in Vermont Yankee's White Space*](#), 32 J. LAND USE & ENVTL. L. 523 (2017) (with Sharon B. Jacobs) (invited symposium paper).

[*Private Complements to Public Governance*](#), 81 MO. L. REV. 1115 (2017) (invited symposium paper).

Loan Repayment Assistance and Access to Justice, in BEYOND ELITE LAW: ACCESS TO CIVIL JUSTICE IN AMERICA (S. Estreicher & J. Radice eds., Cambridge University Press, 2016).

[*A Multidimensional Problem*](#), 45 ENVTL. L. REP. 10783 (2015) (invited commentary).

Policy Publications:

[DECLARATORY ORDERS](#), Final Report and Suggested Recommendations to the Administrative Conference of the United States (Oct. 30, 2015).

- Recommendations adopted [80 Fed. Reg. 78,161](#), 78,163 (Dec. 16, 2015).

[THE NEED TO REFORM 28 U.S.C. § 1500](#), Final Report and Suggested Recommendations to the Administrative Conference of the United States (Sept., 2012) (with Jonathan R. Siegel).

- Recommendations adopted [78 Fed. Reg. 2939](#), 2939 (Jan. 15, 2013).
- Adopted by ABA House of Delegates, [Resolution 300](#) (Feb. 11, 2013).

[INCORPORATION BY REFERENCE IN FEDERAL REGULATIONS](#), Final Report and Suggested Recommendations to the Administrative Conference of the United States (Oct. 2011).

- Recommendations adopted [77 Fed. Reg. 2257](#), 2257 (Jan. 17, 2012).
- Adopted by Office of the Federal Register, Incorporation by Reference, [79 Fed. Reg. 66,267](#) (Nov. 7, 2014), codified at 1 C.F.R. pt. 51.
- Adopted by Office of Management and Budget, [Revision of Circular A-119](#), "Federal Participation in the Development and Use of Voluntary Consensus Standards and in Conformity Assessment Activities," [81 Fed. Reg. 4673](#) (Jan. 27, 2016).

Other Commentary and Reviews:

[Finality and the Virtues of Jurisdictional Determinations](#), REG. REV. (Jul. 12, 2016).

[The Fed \(Like Soylent Green\) Is Made of People](#), YALE J. REG. (Apr. 6, 2016).

[New Rules on Incorporated Standards Encourage Necessary Public-Private Collaboration](#), REG. REV. (Jan. 27, 2015).

[Collaboration is the Key to Making the Law Free](#), REG. REV. (July 2, 2013).

[Technical Standards Meet Administrative Law: A Primer on an Ongoing Debate](#), 65 STANDARDS ENGINEERING, Mar./Apr. 2013, at 1.

[Standards, Regulations and Incorporation by Reference: An Interview with Emily Bremer of the Administrative Conference of the United States](#), STANDARDIZATION NEWS, Nov./Dec. 2012, at 18.

Teaching Resources:

[Technical Standards Meet Administrative Law: A Teaching Guide on Incorporation by Reference](#), Teaching [Module](#) Created for NIST Standards Services Curricula Development Cooperative Agreement Program #2015-NIST-SSCD-01, Penn Program on Regulation (2018).

Institutional Policy Publications:

[IMPROVING THE ADMINISTRATIVE PROCESS: A REPORT TO THE PRESIDENT-ELECT](#) from the ABA Section of Administrative Law & Regulatory Practice (Oct. 26, 2016).

- *Published* 69 ADMIN. L. REV. 205 (2017).

[EQUAL EMPLOYMENT OPPORTUNITY COMMISSION: EVALUATING THE STATUS AND PLACEMENT OF ADJUDICATORS IN THE FEDERAL SECTOR HEARING PROGRAM](#), Report to the EEOC from the Office of the Chairman, Administrative Conference of the United States, Mar. 2014.

Working Papers:

[The Exceptionalism Norm in Administrative Adjudication](#)

Private Standards, Public Norms

EDUCATION

J.D., New York University School of Law	2006
<i>NYU Journal of Law & Liberty</i> , Executive Notes Editor	
<i>International Journal of Constitutional Law</i> , Student Editor	
B.A., Magna Cum Laude, New York University	2003
Dean's List; College of Arts and Science Presidential Scholar	

PROFESSIONAL EXPERIENCE

Administrative Conference of the United States Washington, DC
Research Chief 2014-2015
Attorney Advisor 2010-2014

Wiley Rein LLP Washington, DC
Associate, Appellate and Telecommunications Litigation 2006-2007 & 2008-2010

U.S. Court of Appeals for the Ninth Circuit Fairbanks, AK
Law Clerk, Hon. Andrew J. Kleinfeld 2007-2008

Institute for Justice Washington, DC
Summer Law Clerk 2004 & 2005

SELECTED PRESENTATIONS

The Exceptionalism Norm in Administrative Adjudication:

- Yale/Harvard/Stanford Junior Faculty Forum, Cambridge, MA (June 13-14, 2018).
- Notre Dame Faculty Colloquium, Notre Dame, IN (Feb. 22, 2018).
- New Voices in Administrative Law, American Association of Law Schools Annual Meeting, San Diego, CA (Jan. 4, 2018).
- Wyoming Junior Faculty Forum, Laramie, WY (Dec. 1, 2017).
- The New Role of the Administrative State in the Innovation Economy, Antonin Scalia Law School, George Mason University, Arlington, VA (Nov. 9, 2017).

Private Standards, Public Norms:

- Second Annual Administrative Law New Scholarship Roundtable, Ohio State University Moritz College of Law, Columbus, OH (June 27-28, 2017).
- Research Roundtable, Innovation Economics Research Project, Searle Center on Law, Regulation, and Economic Growth, Northwestern University School of Law, Chicago, IL (May 5-6, 2016).

Designing the Decider, Georgetown University Law Center, Washington, DC (April 7, 2017).

Administration by Declaration:

- Rocky Mountain Junior Scholars Forum, S.J. Quinney College of Law, University of Utah, Salt Lake City, UT (Nov. 3-4, 2016).
- First Annual Administrative Law New Scholarship Roundtable, Michigan State University College of Law, East Lansing, MI (June 24, 2016).

Agency Innovation in Vermont Yankee's White Space, Environmental Law Without Courts Conference, Journal of Land Use & Environmental Law, Florida State University, Tallahassee, FL (Sept. 16, 2016) (with Sharon Jacobs).

Private Complements to Public Governance, A Future Without the Administrative State?, Missouri Law Review 2016 Symposium, Columbia, MO (March 3, 2016).

Declaratory Orders, 64th Annual Plenary Session, Administrative Conference of the United States, Washington, DC (Dec. 4, 2015).

Federal Drive with Tom Temin, [Emily Bremer: Agencies should use more declaratory orders](#), FEDERAL NEWS RADIO (Oct. 28, 2015).

A Multidimensional Problem, Comments on Nina A. Mendelson's *Private Control over Access to Public Law: The Perplexing Federal Regulatory Use of Private Standards*, 2014-2015 Environmental Law and Policy Annual Review Conference, Washington, DC (April 10, 2015).

Living in a Fishbowl: Stakeholder Outreach and Ex Parte Considerations, Moderator, Administrative Law Conference, ABA Section of Administrative Law and Regulatory Practice, Washington, DC (Oct. 16, 2014).

Social Media in Rulemaking, Invited Lecturer, National Association of Secretaries of State, Administrative Codes and Records Section, 2014 Summer Conference, Baltimore, MD (July 15, 2014).

Legal/Regulatory Concerns in Standardization, Panelist, Building the Future Through Standards, The 61st Annual Conference of the Society for Standards Professionals, New Orleans, LA (Aug. 20, 2012).

Historical Overview of Incorporation by Reference, Panelist, Public Workshop To Discuss Implementing Incorporation by Reference Requirements of Section 24 of the Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011, Pipeline and Hazardous Materials Safety Administration, Washington, DC (July 13, 2012), see [77 Fed. Reg. 37,472](#) (June 21, 2012).

Incorporation by Reference, Panelist, Office of Management and Budget (Executive Office of the President) Workshop on Federal Participation in the Development and Use of Voluntary Consensus Standards and in Conformity Assessment Activities, National Institute of Standards and Technology, Gaithersburg, MD (May 15, 2012), see [77 Fed. Reg. 19,357](#) (Mar. 30, 2012).

BAR MEMBERSHIPS

Virginia (2006) (Associate Member), District of Columbia (2009), United States Court of Appeals for the Ninth Circuit (2008)