

EMILY S. BREMER

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ACADEMIC APPOINTMENTS

University of Notre Dame Law School	Notre Dame, IN
<i>Professor of Law</i>	2023-present
<i>Associate Professor of Law</i>	2018-2023
<i>Courses:</i>	Administrative Law, Civil Procedure, Comparative Administrative Law (London Law Programme), Executive Power and Bureaucracy (seminar), Regulatory Process (seminar)
University of Wyoming College of Law	Laramie, WY
<i>Associate Professor of Law</i>	2018
<i>Assistant Professor of Law</i>	2015-2018
<i>Courses:</i>	Business Organizations, Business Planning, International Business Transactions, Legislation & Regulation
<i>Honors:</i>	College of Law Extraordinary Merit Award (2017-2018)
George Mason University School of Law	Arlington, VA
<i>Adjunct Professor</i>	Spring 2014
<i>Course:</i>	Legislation & Statutory Interpretation

PROFESSIONAL EXPERIENCE

Administrative Conference of the United States	Washington, DC
<i>Research Director</i>	2014-2015
<i>Attorney Advisor</i>	2010-2014
Wiley Rein LLP	Washington, DC
<i>Associate, Appellate and Telecommunications Litigation</i>	2006-2007 & 2008-2010
U.S. Court of Appeals for the Ninth Circuit	Fairbanks, AK
<i>Law Clerk, Hon. Andrew J. Kleinfeld</i>	2007-2008

EDUCATION

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

PUBLICATIONS

Articles and Essays:

[*Vacatur Within the Appellate Model of Judicial Review*](#), 136 YALE L.J. ____ (forthcoming 2026).

[*The Unitary Executive and the Due Process State*](#), 101 NOTRE DAME L. REV. REFLECTION ____ (forthcoming 2026) (with William N. Eskridge Jr.).

[*Presidential Adjudication*](#), 110 VA. L. REV. 1749-1814 (2024).

[*Power Corrupts*](#), 41 YALE J. REG. 426-468 (2024).

[*The Undemocratic Roots of Agency Rulemaking*](#), 108 CORNELL L. REV. 69-135 (2022).

[*Introduction to The Bremer-Kovacs Collection: Historical Documents Related to the Administrative Procedure Act of 1946 \(HeinOnline 2021\)*](#), 106 MINN. L. REV. HEADNOTES 218-227 (2022) (with Kathryn E. Kovacs).

[*The Rediscovered Stages of Agency Adjudication*](#), 99 WASH. U. L. REV. 377-448 (2021).

- Awarded the 2023 Emerging Scholar Award by the American Association of Law Schools Section on Administrative Law

[*Reckoning with Adjudication's Exceptionalism Norm*](#), 69 DUKE L.J. 1749-1805 (2020).

[*The Exceptionalism Norm in Administrative Adjudication*](#), 2019 WIS. L. REV. 1351-1417.

[*The Agency Declaratory Judgment*](#), 78 OHIO ST. L.J. 1169-1215 (2017).

- Recommendations adopted by the Administrative Conference of the United States, [80 Fed. Reg. 78,161](#), 78,163 (Dec. 16, 2015)

[*American and European Perspectives on Private Standards in Public Law*](#), 91 TUL. L. REV. 325-370 (2016).

[*On the Cost of Private Standards in Public Law*](#), 63 KAN. L. REV. 279-333 (2015).

[*The Unwritten Administrative Constitution*](#), 65 FLA. L. REV. 1215-1273 (2014).

[*Clearing the Path to Justice: Reform of 28 U.S.C. § 1500*](#), 65 ALA. L. REV. 1-76 (2013) (with Jonathan R. Siegel).

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

[*Incorporation by Reference in an Open-Government Age*](#), 36 HARV. J.L. & PUB. POL'Y 131-210 (2013).

- Recommendations adopted by the Administrative Conference of the United States, [77 Fed. Reg. 2257](#), 2257 (Jan. 17, 2012)
- Adopted by the 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 the 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)

[*The Dynamic Last-in-Time Rule*](#), 22 IND. INT'L & COMP. L. REV. 27-69 (2012).

Works in Progress:

Administrative Law After Humphrey's Executor

Judicial Vacatur of "Legislative" Rules

The Contracting Legal Force of Administrative Rules

Casebook:

ADMINISTRATIVE LAW: THE AMERICAN PUBLIC LAW SYSTEM: CASES AND MATERIALS, 9th ed. (St. Paul, MN: West Academic, 2025) (with Jerry L. Mashaw, Peter M. Shane, Aditya Bamzai, Margaret B. Kwoka, and Nicholas R. Parrillo).

Edited Collection:

[THE BREMER-KOVACS COLLECTION: HISTORIC DOCUMENTS RELATED TO THE ADMINISTRATIVE PROCEDURE ACT OF 1946](#) (HeinOnline 2021) (with Kathryn E. Kovacs, Co-Editor, and Charlotte Schneider, Research Editor).

- Awarded the 2022 Joseph L. Andrews Legal Literature Award by the American Association of Law Libraries (AALL)

Chapters and Symposia

United States v. Florida East Coast Railway Co., *in* LEADING CASES IN ADMINISTRATIVE LAW (Am. Bar Ass'n, forthcoming 2026).

Making Our Ministry of Justice, 100 NOTRE DAME L. REV. REFLECTION ____ (forthcoming 2025) (symposium Celebrating 100 Years of the Judiciary Act of 1925).

[The Administrative Procedure Act: Failures, Successes, and Danger Ahead](#), 98 NOTRE DAME L. REV. 1873 (2023) (symposium on the History of the Administrative Procedure Act and Judicial Review).

[Blame \(or Thank\) the Administrative Procedure Act for Florida East Coast Railway](#), 97 CHI.-KENT L. REV. 79-111 (2022) (symposium Honoring the 75th Anniversary of the Administrative Procedure Act).

Government Use of Standards in the United States and Abroad, *in* THE CAMBRIDGE HANDBOOK OF TECHNICAL STANDARDIZATION LAW, FURTHER INTERSECTIONS OF PUBLIC AND PRIVATE LAW (TRADE, ADMINISTRATIVE, TORT, COPYRIGHT, CERTIFICATION AND TRADEMARK) (Jorge L. Contreras ed., Cambridge University Press, 2019).

[Designing the Decider](#), 16 GEO. J.L. & PUB POL'Y 67-85 (2018) (symposium on Challenging Administrative Power).

[Agency Innovation in Vermont Yankee's White Space](#), 32 J. LAND USE & ENVT'L L. 523-542 (2017) (with Sharon B. Jacobs) (symposium on Environmental Law without Courts).

[Private Complements to Public Governance](#), 81 MO. L. REV. 1115-1125 (2017) (symposium on A Future Without the Administrative State?).

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).

Commentary:

[Friendship Under Conditions of Uncertainty](#), JOTWELL (Jun. 26, 2025) (review of Emily Hammond, *Agency Amici*, 58 U.C. DAVIS L. REV. 1669 (2025)).

[Toward a Cross-Branch Perspective on Administration](#), JOTWELL (Sept. 12, 2024) (review of Jonathan Petkun & Joseph Schottenfeld, *The Judicial Administrative Power*, 93 GEO. WASH. L. REV. 349 (2025)).

[*Finding the Public Interest \(and the Rule of Law\) in On-the-Ground Administration*](#), JOTWELL (Sept. 6, 2023) (review of Jodi L. Short, *In Search of the Public Interest*, 40 YALE J. REG. 759 (2023)).

[*The Bureaucracy Also Empowers the Unitary Executive*](#), YALE J. ON REG.: NOTICE & COMMENT (Nov. 1, 2021) (invited commentary on ANDREW RUDALEVIGE, BY EXECUTIVE ORDER: BUREAUCRATIC MANAGEMENT AND THE LIMITS OF PRESIDENTIAL POWER (2021)).

Informal and Formal Adjudication: Consecutive Stages, Not Alternative Modes, 46 ADMIN. & REGULATORY L. NEWS 5 (Summer 2021).

[*The APA, Due Process, and the Limits of Textualist Positivism*](#), YALE J. ON REG.: NOTICE & COMMENT (Apr. 16, 2021) (invited commentary on CASS R. SUNSTEIN & ADRIAN VERMEULE, LAW & LEVIATHAN: REDEEMING THE ADMINISTRATIVE STATE (2020)).

[*Making the Invisible Visible*](#), YALE J. ON REG.: NOTICE & COMMENT (Aug. 7, 2019) (invited commentary on RACHEL AUGUSTINE POTTER, BENDING THE RULES: PROCEDURAL POLITICKING IN THE BUREAUCRACY (2019)).

[*Technical Standards Meet Administrative Law: A Teaching Guide on Incorporation by Reference*](#), 71 ADMIN. L. REV. 315 (2019) (invited contribution to [course module](#) on Incorporation by Reference, Voluntary Codes and Standards: Teaching Resources for Law and Public Policy Courses, Penn Program on Regulation, University of Pennsylvania).

[*Deliberate and Serendipitous Separation of Powers in the Administrative State*](#), YALE J. ON REG.: NOTICE & COMMENT (Mar. 9, 2018) (invited commentary on JON D. MICHAELS, CONSTITUTIONAL COUP: PRIVATIZATION'S THREAT TO THE AMERICAN REPUBLIC (2017)).

[*Finality and the Virtues of Jurisdictional Determinations*](#), REG. REV. (Jul. 12, 2016) (invited commentary on United States Army Corps of Engineers v. Hawkes Co., 136 S. Ct. 1807 (2016)).

[*The Fed \(Like Soyent Green\) Is Made of People*](#), YALE J. ON REG.: NOTICE & COMMENT (Apr. 6, 2016) (invited commentary on PETER CONTI-BROWN, THE POWER AND INDEPENDENCE OF THE FEDERAL RESERVE (2016)).

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

[*A Multidimensional Problem*](#), 45 ENVTL. L. REP. 10783 (2015) (invited commentary on Nina A. Mendelson, *Private Control over Access to Public Law: The Perplexing Federal Regulatory Use of Private Standards*, 112 MICH. L. REV. 737 (2014)).

[*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.

CONFERENCES & SYMPOSIA ORGANIZED

Comparative Administrative Law Workshop, University of Notre Dame London (September 25-26, 2025).

Comparative Administrative Law Workshop, University of Notre Dame London (October 25-26, 2024).

Ninth Annual Administrative Law New Scholarship Roundtable, University of Notre Dame Law School (June 25-26, 2024).

[Symposium](#) on *The Decisional Independence of Administrative Adjudicators*, YALE J. ON REG.: NOTICE & COMMENT (Feb. 18-28, 2022).

Charting the New World of Administrative Adjudication, *Duke Law Journal* 50th Annual Administrative Law Symposium (competitively selected) (with Kent Barnett and Christopher J. Walker) (Feb. 14, 2020).

[Symposium](#) on JOANNE YATES & CRAIG N. MURPHY, *ENGINEERING RULES: GLOBAL STANDARD SETTING SINCE 1880* (2019), YALE J. ON REG.: NOTICE & COMMENT (Oct. 1-11, 2019).

SELECTED RECENT PRESENTATIONS

Administrative Law After Humphrey's Executor

- 2026 Administrative Law Spring Conference, American Bar Association Section on Administrative Law & Regulatory Practice, Washington, DC (May 7, 2026).
- Constitutional Law Workshop, University of Chicago Constitutional Law Center (Apr. 24, 2026) (invitation accepted).
- Brooklyn Law School Faculty Workshop (Feb. 17, 2026).

Commenter, *Steering Complexity: Adaptive Governance for Emerging Technologies*, 2026 *Journal of Law & Innovation* Symposium, University of Pennsylvania Carey Law School, Philadelphia, PA (Jan. 30, 2026).

Vacatur Within the Appellate Model of Judicial Review (and other titles)

- Notre Dame Law School Faculty Colloquium (March 17, 2026).
- University of Texas School of Law Faculty Workshop, Austin, TX (Feb. 9, 2026).
- Boyden C. Gray Center for the Study of the Administrative State, Antonin Scalia Law School, George Mason University, Arlington, VA (Nov. 13, 2025).
- Legal Theory Workshop, University of Michigan Law School (Sept. 30, 2025).
- Lunchtime Seminar, London Law Programme, University of Notre Dame London, UK (Nov. 13, 2024).
- Conference on Executive-Judicial Relations, Center for Revitalizing American Institutions (RAI), Hoover Institution, Stanford University (June 6, 2024).
- 2024 Administrative Law Spring Conference, American Bar Association Section on Administrative Law & Regulatory Practice, Washington, DC (May 9, 2024).
- [New Challenges in Adjudication and Judicial Review](#), Panelist, Judging and Administrative Law, 2024 Widener Commonwealth Law Review Symposium (Apr. 15, 2024).

Administrative Law After Humphrey's Executor, Inaugural Reville Lecture, Center on the Structural Constitution, Texas A&M University School of Law, Fort Worth, TX (Oct. 29, 2025).

[Is Administrative Law Just a Species of Constitutional Law?](#), Constitutional Conversations, Stanford Constitutional Law Center, Stanford Law School (Apr. 10, 2025).

Panelist, Celebrating 100 Years of the Judiciary Act of 1925, *Notre Dame Law Review* Annual Federal Courts Symposium (Feb. 7, 2025).

Agency Adjudicators After Jarkesy, Co-Organizer & Panelist, 2024 Administrative Law Fall Conference, American Bar Association Section on Administrative Law & Regulatory Practice (Nov. 7, 2024).

[*What Are the Implications of the End of Chevron for U.S. Administrative Law*](#), Panelist, Law and Governance Discussion Series, Penn Program on Regulation, University of Pennsylvania (July 2, 2024).

Incorporation by Reference, Organizer & Panelist, Regulatory Governance in a Changing World, Inaugural Conference of the International Association on Regulation & Governance, University of Pennsylvania, Philadelphia, PA (June 17, 2024).

The Future of Administrative Adjudication After SEC v. Jarkesy, Panelist, 2024 Administrative Law Spring Conference, American Bar Association Section on Administrative Law & Regulatory Practice, Washington, DC (May 10, 2024).

Presidential Adjudication

- University of Texas School of Law Faculty Workshop, Austin, TX (Feb. 12, 2024).
- University of Wisconsin Law School Faculty Workshop, Madison, WI (Nov. 15, 2023).
- University of Virginia School of Law Faculty Workshop, Charlottesville, VA (Oct. 27, 2023).
- Duke Law Faculty Workshop, Durham, NC (Sept. 27, 2023).
- Administrative Law Works-in-Progress, 2023 SEALS Annual Conference, Boca Raton, FL (July 27, 2023)
- Revitalizing American Institutions, Hoover Institution, Stanford University (May 4-5, 2023).
- Boyden C. Gray Center for the Study of the Administrative State, Antonin Scalia Law School, George Mason University, Arlington, VA (Apr. 14, 2023).

What is General Common Law and How do Originalist/Textualist Judges Use It?, Panelist, 2024 Florida Chapters Conference, Federalist Society, Kissimmee, FL (Feb. 2, 2024).

Constitutional Challenges to Agency Adjudication Before the Supreme Court, Panelist, 2023 Administrative Law Conference, American Bar Association Section on Administrative Law & Regulatory Practice (Nov. 30, 2023).

The Administrative State, Its Supporters and Its Discontents, Panelist, 2023 National Lawyers Convention, Federalist Society, Washington, DC (Nov. 10, 2023).

Administrative Procedure Act Seminar: History, Interpretations, and Latest Rulings from the Bench, Speaker, Federal Bar Association, Northern District of Ohio Chapter, Cleveland, OH (Oct. 6, 2023).

Power Corrupts

- Public Law Workshop, Notre Dame London Global Gateway (Sept. 21, 2023)
- Power in the Administrative State Workshop Series (Sept. 8, 2023)
- Minnesota Law School Faculty Colloquium, Minneapolis, MN (Apr. 13, 2023)
- Conference on the Legitimacy of Administrative Law, Hoover Institution, Stanford University (Jan. 14-15, 2023).

[*Kathleen Claussen on the Improvised Implementation of Executive Agreements*](#), Discussant, Law and Governance Discussion Series, Penn Program on Regulation, University of Pennsylvania (Feb. 17, 2023).

History of the Administrative Procedure Act and Judicial Review, Panelist, *Notre Dame Law Review* Annual Federal Courts Symposium (Jan. 23, 2023).

Adjudicatory Independence: Diagnosis, Prognosis and Cure (Panacea), Co-Organizer and Panelist, 2022 Administrative Law Conference, American Bar Association Section of Administrative Law & Regulatory Practice (Dec. 1, 2022).

[*Rediscovering the Roots of Administrative Procedure*](#), Gray Matters, The Podcast of the C. Boyden Gray Center for the Study of the Administrative State, Antonin Scalia Law School, George Mason University (Aug. 24, 2022).

The Undemocratic Roots of Agency Rulemaking

- [Law and Governance Discussion Series](#), Penn Program on Regulation, University of Pennsylvania (June 8, 2022).
- Junior Scholars Colloquium, Federalist Society, Annapolis, MD (June 4, 2022).
- New Voices in Administrative Law and Legislation, American Association of Law Schools Annual Meeting (held online due to COVID-19) (Jan. 6, 2022).
- Women in Law Teaching Works-in-Progress Workshop, University of Minnesota Law School, Minneapolis, MN (held online due to COVID-19) (July 7-8, 2021).

[Ron Levin on the Evolving APA and the Originalist Challenge](#), Discussant, Law and Governance Discussion Series, Penn Program on Regulation, University of Pennsylvania (May 25, 2022).

Researching and Interpreting the Administrative Procedure Act, Co-Organizer and Moderator, 2021 Fall Conference, ABA Section of Administrative Law and Regulatory Practice, Washington, DC (held online due to COVID-19) (Nov. 18, 2021).

Going into Law Teaching, Co-Organizer and Panelist, 2021 Fall Conference, ABA Section of Administrative Law and Regulatory Practice, Washington, DC (held online due to COVID-19) (Nov. 17, 2021).

AALS Conversations on the Administrative State: Experts, the Deep State, and the Challenge of Administrative Law, Speaker, American Association of Law Schools, Webinar (Oct. 29, 2021).

SERVICE AND OTHER PROFESSIONAL ACTIVITIES

University Committees:

University of Notre Dame:

- Ad Hoc Committee on National Security Program Proposal (2025-present)
- Notre Dame Global Regional Faculty Advisory Committee for London (2024-present)
- Curriculum Committee (2025)
- Ad Hoc Committee on Washington, D.C. Program (2025)
- Ad Hoc Committee on Academic Program Review (2024-2025)
- Law School Subcommittee on Promotions (2023-2025)
- Law School Clerkship Committee (2019-2023)
- Law School Colloquium Committee (2018-2019)

University of Wyoming:

- Founder & Organizer, College of Law, Wyoming Junior Scholars Forum (2017-2018)
- University Faculty Academic Standards, Rights & Responsibilities Committee (2016-2018)
- College of Law Admissions Committee (2015-2018), Honor Council (2016-2018), and Academic Policies & Procedures Committee (2015-2017)

Other Professional Service:

Administrative Law Section, JOTWELL (2022-present)

- Section Co-Editor (2024-present)
- Contributing Editor (2022-present)

Member, Selection and Organizing Committee, Annual Administrative Law New Scholarship Roundtable (2021-present)

Administrative Conference of the United States

- Senior Fellow (2023-present)
- Public Member (2017-2023)

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

American Bar Association Section of Administrative Law & Regulatory Practice:

- Committee Member, ABA Program for Prospective Administrative Law Scholars (PALS) (2021-2025)
- Vice Chair, Adjudication Committee (2018-present)
- Council Member (2017-2020)
- Co-Lead, Ad Hoc Committee on Administrative Law Transition, (2015-2016)
 - Prepared [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).
- Chair (2014-2016) & Vice Chair (2013-2014), Communications Committee

Member, Emerging Scholar Award Selection Committee, American Association of Law Schools Section on Administrative Law (2023-2025)

BAR MEMBERSHIPS

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