

DAVID L. NOLL

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ACADEMIC APPOINTMENTS

Rutgers Law School

Associate Dean for Faculty Research & Development, July 2021–

Professor of Law, July 2019–

Associate Professor of Law, July 2016–June 2019

Assistant Professor of Law, July 2013–June 2016

Courses: Advanced Civil Procedure, Civil Procedure, Complex Litigation, New Jersey Practice,
Regulatory State (Leg/Reg), Trump and the Law

Additional areas: Administrative Law, Alternative Dispute Resolution, Constitutional Law
(government structure and separation of powers), Legislation

Awards: Faculty Commencement Speaker (May 2020 & December 2021); selected to deliver David
J. Stoffer Memorial Lecture (2020); Greg Lastowka Award for Scholarly Excellence (2019)

Columbia Law School

Associate-in-Law, July 2011–June 2013

JUDICIAL CLERKSHIPS

Hon. Raymond J. Lohier, Jr.

U.S. Court of Appeals for the Second Circuit, Jan. 2011–July 2011

Hon. Pierre N. Leval

U.S. Court of Appeals for the Second Circuit, Dec. 2009–Dec. 2010

Hon. Richard J. Holwell

U.S. District Court for the Southern District of New York, Oct. 2008–Oct. 2009

OTHER PROFESSIONAL EXPERIENCE

Paul, Weiss, Rifkind, Wharton & Garrison LLP

Summer Associate, May 2008–Sept. 2008

U.S. Department of Justice, Civil Division

Summer Law Intern (Honors Program), May 2007–Aug. 2007

BOOKS

LEGISLATION & THE REGULATORY STATE (3d ed. 2022) (with Samuel Estreicher)

LEGISLATION & THE REGULATORY STATE (2d ed. 2017) (with Samuel Estreicher)

LEGISLATION & THE REGULATORY STATE (2015) (with Samuel Estreicher)

Teacher's Manual to all editions of LEGISLATION & THE REGULATORY STATE

ARTICLES & ESSAYS

Vigilante Federalism, 108 CORNELL L. REV. (forthcoming 2023) (with Jon D. Michaels)

Administrative Sabotage, 120 MICH. L. REV. 753 (2022)

An Arbitration Agenda for the Biden Administration, 2021 ILL. L. REV. ONLINE 104 (with Zachary D. Clopton)

What Do MDL Leaders Do?: Evidence from Leadership Appointment Orders, 23 LEWIS & CLARK L. REV. 433 (2020) (symposium contribution)

MDL as Public Administration, 118 MICH. L. REV. 403 (2019)

Arbitration Conflicts, 103 MINN. L. REV. 665 (2018)

- Recognized for high distinction in the 2022 Pound Civil Justice Institute Civil Justice Scholarship Awards
- Reprinted in LABOR & EMPLOYMENT LAW INITIATIVES, PROPOSALS, AND DEVELOPMENTS DURING THE TRUMP ADMINISTRATION (Charlotte Alexander ed., 2020)

Response: Public Litigation, Private Arbitration?, 18 NEV. L.J. 477 (2018) (symposium contribution)

Ad Hoc Procedure, 92 N.Y.U. L. REV. 767 (2017) (with Pamela K. Bookman)

Deregulating Arbitration, 30 LOYOLA CONSUMER L. REV. 51 (2017) (invited essay based on keynote address delivered at 2017 Loyola Consumer Law Review symposium)

Regulating Arbitration, 105 CALIF. L. REV. 985 (2017)

The CFPB's Arbitration Rule: The Road Ahead, in PROCEEDINGS OF THE NYU 69TH ANNUAL CONFERENCE ON LABOR: MEDIATION AND ARBITRATION OF EMPLOYMENT AND CONSUMER DISPUTES (Elizabeth C. Tippet ed., 2017) (solicited essay)

The Effect of Contingent Fees and Statutory Fee-Shifting: Two Models of Alternative Attorney-Payment Devices, in BEYOND ELITE LAW: ACCESS TO CIVIL JUSTICE IN AMERICA (Samuel Estreicher & Joy Radice eds., 2016) (invited essay)

Constitutional Evasion and the Confrontation Puzzle, 56 B.C. L. REV. 1899 (2015)

A Reader's Guide to Pre-Modern Procedure, 64 J. LEGAL. EDUC. 414 (2015)

The New Conflicts Law, 2 STAN. J. COMPLEX LITIG. 41 (2014)

- Reprinted in FORUM SHOPPING AND INTERNATIONAL COMMERCIAL LAW (Franco Ferrari & Aaron Simowitz. eds., 2020)

Rethinking Anti-Aggregation Doctrine, 88 NOTRE DAME L. REV. 649 (2012)

The Indeterminacy of Iqbal, 99 GEO. L. J. 117 (2010)

OP-EDS & SHORTER WRITING

We Are Becoming a Nation of Vigilantes, N.Y. TIMES, Sept. 4, 2021 (with Jon D. Michaels)

The Executive's Role in Addressing Forced Arbitration, ContractsProf Blog, May 10, 2021 (with Zachary D. Clopton)

How States Can Step in When Trump Doesn't Enforce Laws, POLITICO, June 18, 2019 (with Zachary D. Clopton)

Trump Labor Officials Are Secretly Using Forced Arbitration to Get Corporations Off the Hook, SLATE, May 10, 2019 (with Zachary D. Clopton)

Consumers Vulnerable to Corporate Fraud After CFPB Rule Killed, CLASS ACTION REPORTER, Jan. 1, 2018

The Dangerous Consequences of Repealing the CFPB's Arbitration Rule, THE REGULATORY REVIEW, Nov. 6, 2017

Justice Scalia's Impact on Federal Arbitration Law, N.Y.L.J., May 13, 2016 (with Samuel Estreicher)

BRIEFS

Brief of Legal Scholars in Support of Petitioner, *Whole Woman's Health v. Jackson*, No. 21-588 (U.S. Oct. 27, 2021)

Brief of Administrative Law, Constitutional Law, and Civil Procedure Scholars as Amici Curiae in Support of the Application to Vacate Stay of Preliminary Injunction, *United States v. Texas*, No. 21A85 (U.S. Oct. 19, 2021)

Brief of Professors of Jurisdiction in Support of Respondents, *Ford Motor Co. v. Montana Eighth Judicial District Court*, No. 19-368 (U.S. Apr. 6, 2020)

Brief of Professors of Administrative Law and Federal Regulation as Amici Curiae in Support of Neither Party, *Kisor v. Wilkie*, No. 18-15 (U.S. Jan. 31, 2019)

WORK IN PROGRESS

Federal Rules of Private Enforcement (with Luke Norris)

Ad Hoc Procedure Writ Large (with Pamela K. Bookman)

MDL Leaders (with Adam Zimmerman)

The Liberal Origins of the Federal Arbitration Revolution

SELECTED PRESENTATIONS

Vigilante Federalism, 2022 Civil Procedure Workshop Plenary Session, May 19, 2022 (scheduled)

Vigilante Federalism, Vanderbilt Faculty Workshop, Apr. 13, 2022

Vigilante Federalism, Duke Law School Colloquium on Civil Rights History, Enforcement, and Policy, Feb. 3, 2022

New Voices in Administrative Law, Association of American Law Schools Annual Meeting, Jan. 6, 2022 (commentator on Alan Rozenshtein, *The Virtuous Executive*)

Judge Weinstein's Contributions to Civil Procedure, Columbia/NYU Webinar, Jack B. Weinstein: Pioneer in Judging and Justice, Dec. 2, 2021 (with Oscar Chase, Olati Johnson & Hon. Michael Stallman)

Ad Hoc Procedure Writ Large, Colloquium on Current Issues in Complex Litigation, University of Texas School of Law, Nov. 22, 2021

Law & Governance, Nov. 18, 2021 (commentator on Feinsein & Wood, *Divided Agencies*)

Law & Governance, Nov. 4, 2021 (commentator on King et al., *Phantoms of a Beleaguered Republic*)

Administrative Sabotage, Law & Governance, Sept. 29, 2021

N.Y.U. Institute for Judicial Administration, New Appellate Judges Seminar, July 23, 2021 (panelist on administrative law) (with Hon. James A. Wynn Jr.)

Ad Hoc Procedure Writ Large, Civil Procedure Works-in-Progress Workshop, July 15, 2021

Federal Rules of Private Enforcement, Civil Procedure Works-in-Progress Workshop, July 15, 2021

Ad Hoc Procedure, Civil Procedure Unavailability Workshop, Feb. 2, 2021

New Voices in Administrative Law, Association of American Law Schools Annual Meeting, Jan. 9, 2021 (commentator on Hausman, *Reviewing Administrative Review*)

Our Illegitimate Court, David J. Stoffer Memorial Lecture, Rutgers Law School, Nov. 19, 2020

Present Litigation Affecting Future Rights: A Discussion on the Viability, Constitutionality and Ethical Issues Involving a Proposed Roundup Futures Settlement Class, New Jersey Association for Justice, Aug. 6, 2020 (with Alexi Lahav)

Agency Sabotage, Seton Hall Law School Faculty Workshop, Feb. 12, 2020

Agency Sabotage, New Voices in Administrative Law, American Association of Law Schools Annual Meeting, Washington, D.C., Jan. 4, 2020

State Issues Forum—Opioid Litigation, American Hospital Association, Nov. 26, 2019

Remedies and Severability in Seila Law and Collins v. Mnuchin, Structured Finance Association, Nov. 18, 2019

Agency Sabotage, Rutgers Law Faculty Workshop, Nov. 13, 2019

What Do MDL Leaders Do?: Evidence from Leadership Appointment Orders, Pound Civil Justice Institute Academic Symposium, Lewis & Clark Law School, Nov. 1, 2019

The Impact of Recent Supreme Court Decisions on Administrative Law, Preemption, and the Regulatory State, New York City Bar Association, Oct. 22, 2019

The Rule of Law in Multidistrict Litigation, Administrative Law New Scholarship Roundtable, University of Wisconsin Law School, June 10, 2019

Advancing Research on State Courts and Executive Branch Agencies, Law & Society Annual Meeting, May 30, 2019

SELECTED INTERVIEWS AND MEDIA APPEARANCES

In a Bipartisan Move, Congress Targets Forced Arbitration, The Takeaway, Feb. 17, 2022

Texas Abortion Law Opens Door to Copycat Curbs on Guns, Other Rights, Reuters, Dec. 15, 2021

Texas 'Heartbeat Act' Part of Wave of Red-State Laws Encouraging Vigilantes: Experts, ABC News, Oct. 1, 2021

The New Texas Abortion Law Is Becoming a Model for Other States, L.A. Times, Sept. 18, 2021

Your Neighbor, The Bounty Hunter, Talk Policy to Me, Oct. 21, 2021

Citizen Enforcement of Texas Abortion Ban Could Spread to Other Laws, Stateline, Sept. 23, 2021

Texas Abortion Law a "Radical Expansion" of Who Can Sue Whom, and an About-Face for Republicans on Civil Lawsuits, Texas Tribune, Sept. 3, 2021

Judge Raises Doubts Ahead of Hearing on Bayer's \$2 Bln Roundup Settlement Deal
Reuters, May 18, 2021

U.S. Appeals Court Upholds \$25 Mln Roundup Verdict in Blow to Bayer, Reuters, May 14, 2021

Wall Street's Grip on Secret Harassment Hearings Starts to Crack, Bloomberg, May 12, 2021

What Is Court Packing?, Rutgers Today, Oct. 27, 2020

Bayer Bets on Science in Bid to Prevent Future Roundup Lawsuits, Reuters, June 25, 2020

Trump Campaign's Waiver Won't Block Coronavirus Lawsuits: Experts, Reuters, June 12, 2020

NPR Marketplace, May 20, 2020 (interview on J&J talc litigation)

Bloomberg Radio, March 5, 2020 (interview on West Virginia opioids trial)

In Sachen Glyphosat, Süddeutsche Zeitung, Feb. 2, 2020

What Are the Obstacles to Bayer Settling Roundup Lawsuits?, N.Y. Times, Feb. 1, 2010

Bayer Considers New Tactic in Roundup Settlement Talks, N.Y. Times, Feb. 1, 2010

Wall Street's Machine of Silence Stopped a #MeToo Revolution, BusinessWeek, Dec. 19, 2019

A Landmark Opioids Trial Starts In Ohio Today. Drug Companies Hope Doctors Get Blamed., Wash. Post, Oct. 21, 2019

Drugs Firms Face Claims For Billions Over the Opioid Crisis, BBC World Business Report, Oct. 21, 2019

Johnson & Johnson Recalls Baby Powder Over Asbestos Worry, N.Y. Times, Oct. 18, 2019

What To Watch As Opioid MDL Nears Moment Of Truth, Law360, Oct. 17, 2019

Your Guide to the Massive (And Massively Complex) Opioid Litigation, NPR, Oct. 15, 2019

Questions Swirl Around Opioid MDL Bellwether Trial, Law360, Oct. 8, 2019

Opioid Legal Fight Closer to Costly Asbestos Suits Than Tobacco, Bloomberg, Sept. 3, 2019

N.J. Dad Who Bought Juul for His 14-year-old Is Leading a Class Action Lawsuit Against Company, NJ.com, Sept. 11, 2019

J&J Opioid Ruling Provides Clues to How Much Others Could Pay, Bloomberg, Aug. 26, 2019

J&J Fights Opioid 'Kingpin' Label by Noting 1% Market Share, Bloomberg, July 25, 2019

Bayer Could Benefit From Home Advantage In St. Louis Roundup Cancer Trial: Experts, Reuters, July 22, 2019

First or Best: Filing Strategies for Leading Big Class Actions, Bloomberg, June 6, 2019

College Bribery Class Case Has Novel Theory That Just Might Work, Bloomberg, Mar. 20, 2019

Admissions Scandal Class Action Is 'Fascinating' But Likely Doomed – Experts, Reuters, Mar. 14, 2019

Marketplace, NPR, Feb. 22, 2019 (interview on Google employees' campaign against forced arbitration)

A Former Pfizer Flight Attendant Wins The Right To Sue For Discrimination, Raising Questions About Arbitration, Stat News, Jan. 17, 2019

Why Can Companies Still Silence Us with Mandatory Arbitration?, The Guardian, Jan. 8, 2019

LAW SCHOOL & UNIVERSITY SERVICE

Chair, Pratt Fund Advisory Board, March 2022–
Interim Dean of Students, March 2022–
Faculty Clerkship Adviser, 2014–
Affiliated Faculty, Center for Corporate Law & Governance, 2014–
Faculty Colloquium & Development Committee, 2021–22 (co-chair, spring 2022)
Co-chair, Budget and Planning Committee, 2020–21
Appointments Committee, 2019–20
Chair, Newark Faculty Colloquium Committee 2018–19
Newark Faculty Colloquium Committee, Spring 2017
Academic Policy Committee, 2017–18
Admissions Committee, 2014–15
First Year Curriculum Reform Committee, 2013–14
Clerkship Committee, 2013–14
Instructor, Minority Students Program and Common Law Capstone, 2014–

EDUCATION

New York University School of Law
J.D. *magna cum laude*, 2008
Activities: Articles Editor, *NYU Law Review*; Supreme Court Litigation Clinic
Awards: Ann Petluck Poses Memorial Prize for outstanding performance in Supreme Court Litigation Clinic; Judge Edward Weinfeld Prize for distinguished scholarship in federal courts and civil procedure; Butler Scholar; Order of the Coif

Columbia University School of General Studies
B.A. *summa cum laude* in Philosophy, 2003

PROFESSIONAL MEMBERSHIPS & ACTIVITIES

Member, New York State Bar, 2009–
Member, New Jersey Supreme Court Working Group on Electronic Documents, 2014–15
Member, AALS sections on Administrative Law, Civil Procedure, and Conflicts of Law
Academic Fellow, Pound Civil Justice Institute, 2020–
Convener, New York City Area Junior Faculty Colloquium, 2015–18
Ad hoc peer referee, *University of Chicago Law Review*, *N.Y.U. Law Review*, *Regulation & Governance*, *Rutgers Law Review*, *Yale Law Journal*