

David L. Noll

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ACADEMIC APPOINTMENTS

Rutgers Law School

Professor of Law, July 2019—current

Associate Professor of Law, July 2016— June 2019

Assistant Professor of Law, July 2013–June 2016

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

Additional areas: Administrative Law, Constitutional Law, Consumer Law, Evidence, Legislation

Law school service: Appointments Committee (2019-); 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 (2014-); Affiliated Faculty, Center for Corporate Law & Governance (2014-)

Columbia Law School

Associate-in-Law, July 2011–June 2013

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

ARTICLES

MDL as Public Administration, 118 MICH. L. REV. (forthcoming 2019) (previously titled “The Rule of Law in Multidistrict Litigation”)

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

- Reprinted in LABOR & EMPLOYMENT LAW INITIATIVES, PROPOSALS, AND DEVELOPMENTS DURING THE TRUMP ADMINISTRATION (Charlotte Alexander ed., 2019)

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

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

Constitutional Evasion and the Confrontation Puzzle, 56 B.C. L. REV. 1899 (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., 2019)

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

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

BOOKS

LEGISLATION & THE REGULATORY STATE: SECOND EDITION (Carolina Academic Press 2017) (with Samuel Estreicher)

TEACHER’S MANUAL TO LEGISLATION & THE REGULATORY STATE: SECOND EDITION (Carolina Academic Press 2017) (with Samuel Estreicher)

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

TEACHER’S MANUAL TO LEGISLATION & THE REGULATORY STATE (Carolina Academic Press 2016) (with Samuel Estreicher)

SHORTER WORK

What Do MDL Leaders Do?: Evidence from Leadership Appointment Orders, 23 LEWIS & CLARK L. REV. (forthcoming 2019) (invited symposium contribution)

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)

Introduction, Resolving the Arbitration Dispute in Today's Legal Landscape, 69 RUTGERS L. REV. 367 (2018) (invited symposium introduction)

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

Deregulating Arbitration, 30 LOYOLA CONSUMER L. REV. 51 (2017) (invited essay based on featured remarks at 2017 *Consumer Law Review* symposium)

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) (invited essay)

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

With Arbitration Case, SCOTUS Can Protect Both Federal Law, Workers' Rights, THE HILL, Oct. 8, 2017 (reprinted as *Consumers Vulnerable to Corporate Fraud After CFPB Rule Killed*, CLASS ACTION REPORTER, Jan. 1, 2018)

Opioid Crisis: Are Drug Companies Largely to Blame?, ASBURY PARK PRESS, July 7, 2017

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)

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

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

Alternatives to the Consumer Class Action, 11 NYU J. L. & BUS. 699 (2015) (with Michael Barr, Adam Zimmerman, and Mark Goodman) (symposium remarks)

Note, *Qualified Immunity in Limbo*, 83 N.Y.U. L. REV. 911 (2008)

BRIEF

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

Agency Sabotage

The Liberal Origins of the Federal Arbitration Revolution

LEGISLATION AND THE REGULATORY STATE: THIRD EDITION

EDUCATION

New York University School of Law

J.D. *magna cum laude*, 2008

Activities: Articles Editor, *NYU Law Review*; Supreme Court Litigation Clinic

Honors: 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 (top ten students after second year); Order of the Coif

Columbia University School of General Studies

B.A. *summa cum laude* in Philosophy, 2003

PROFESSIONAL MEMBERSHIPS & ACTIVITIES

New York State Bar (2009)

Convener, New York City Area Junior Faculty Colloquium, 2015-2018

Member, New Jersey Supreme Court Working Group on Electronic Documents, 2014-2015

- Final report and recommendations available at <https://www.judiciary.state.nj.us/reports2015/metadata.pdf>
- Order adopting recommendations available at <http://www.judiciary.state.nj.us/notices/2016/n160809a.pdf>.

Member, AALS Sections on Administrative Law, Civil Procedure, and Conflicts of Law