

# DAVID L. NOLL

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## ACADEMIC APPOINTMENTS

Rutgers Law School, Newark NJ  
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: Civil Procedure, Legislation & Regulation, Advanced Civil Procedure, Complex Litigation,  
New Jersey Practice, Trump and the Law  
Additional areas: Administrative Law, Alternative Dispute Resolution, Constitutional Law  
(government structure and separation of powers), Legislation  
Awards: Faculty Commencement Speaker (December 2021 & May 2020); selected to deliver David  
J. Stoffer Memorial Lecture (2020); Greg Lastowka Award for Scholarly Excellence (2019)

Columbia Law School, New York NY  
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

VIGILANTE DEMOCRACY (forthcoming 2024) (with Jon D. Michaels)

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

*Diversity and Complexity in MDL Leadership: A Status Report from Case Management Orders*, 101 *Tex. L. Rev.* 1679 (2023) (with Adam S. Zimmerman) (symposium contribution)

*Federal Rules of Private Enforcement*, 108 *CORNELL L. REV.* 1639 (2023) (with Luke P. Norris)

*Vigilante Federalism*, 108 *CORNELL L. REV.* 1187 (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 Amici Curiae Administrative and Federal Regulatory Law Professors in Support of Respondents, *Loper Bright Enterprises v. Raimondo*, No. 22-451 (U.S.) (Sept. 22, 2023)

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**

*Litigation States* (with Zach Clopton)

*The Many Faces of Ad Hoc Procedure* (with Pamela K. Bookman)

*The Liberal Origins of the Federal Arbitration Revolution*

## **PRESENTATIONS (SELECTED)**

*Contemporary Issues in Complex Litigation*, Northwestern University, Pritzker School of Law, Mar. 7 2024 (scheduled)

*MDL Bench-Bar Leadership Conference*, Northwestern University, Pritzker School of Law, Sept. 28-29, 2023

*Judicial Illiberalism in the United States*, Law & Society Association, Annual Meeting on Law and Society, June 3, 2023

*Current Issues in Private Enforcement*, Cornell Law Review Virtual Panel Event, Feb. 24, 2023

*Judicial Control of Lawyers in MDLs: The Appointment Process*, 2023 Texas Law Review Symposium, University of Texas School of Law, Jan. 27, 2023 (with Adam S. Zimmerman)

*Conflicts of Laws in a Post-Roe World*, Association of American Law Schools Annual Meeting, Jan. 7, 2023

*New Voices in Administrative Law*, Association of American Law Schools Annual Meeting, Jan. 7, 2023 (commenter on Dolbow, *Barring Judicial Review*)

N.Y.U. Institute for Judicial Administration, New Appellate Judges Seminar, July 28-29, 2022 (moot court organizer and presenter for panels on administrative law and process of judicial decisionmaking) (with Hon. Patricia Millett & Hon. Cleo Powell)

*Vigilante Federalism*, 2022 Civil Procedure Workshop, May 19, 2022 (plenary session)

*Federal Rules of Private Enforcement*, 2022 Civil Procedure Workshop, May 19, 2022

*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 Feinstein & 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**

*Administrative Sabotage*, Not Another Politics Podcast, University of Chicago, Harris School of Public Policy, Jan. 23, 2024

*Understanding the Rise of Citizen-Enforced Laws*, NPR Weekend Edition, Sept. 18, 2022

*In the GOP's New Surveillance State, Everyone's a Snitch*, The Nation, July 28, 2022

*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–Sept. 2022

Newark 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, National Institute for Civil Justice, 2020–  
Convener, New York City Area Junior Faculty Colloquium, 2015–18  
Ad hoc peer referee, Cambridge University Press, *University of Chicago Law Review*, *Law & Social Inquiry*, *N.Y.U. Law Review*, *Regulation & Governance*, *Rutgers Law Review*, *Stanford Law Review*, *Yale Law Journal*