

GLEN STASZEWSKI
Professor of Law &
The A.J. Thomas Faculty Scholar
Michigan State University College of Law

Academic Appointment:

Michigan State University College of Law

Professor of Law, 2011-Present
The A.J. Thomas Faculty Scholar, 2010-Present
Associate Dean for Research, 2009-2014
Associate Professor of Law (with tenure), 2007-2011
Associate Professor of Law, 2004-2007
Assistant Professor of Law, 2001-2004

Journal Articles, Commissioned Report, and Book Chapter:

Justice By Means of the Administrative State, 122 MICHIGAN LAW REVIEW – (forthcoming 2024)
(reviewing DANIELLE ALLEN, JUSTICE BY MEANS OF DEMOCRACY (2023)).

Populist Constitutionalism, 101 NORTH CAROLINA LAW REVIEW – (forthcoming 2023) (with Anya Bernstein).

A Deliberative Democratic Theory of Precedent, 94 UNIVERSITY OF COLORADO LAW REVIEW 1 (2023).

Interpreting Initiatives Sociologically, 2022 WISCONSIN LAW REVIEW 1275 (invited essay) (Special Issue on Interpretation in the States).

Judicial Populism, 106 MINNESOTA LAW REVIEW 283 (2021) (with Anya Bernstein).

Democratizing Rule Development, 98 WASHINGTON UNIVERSITY LAW REVIEW 793 (2021) (with Michael Sant’Ambrogio).

PUBLIC ENGAGEMENT WITH AGENCY RULEMAKING, Final Report and Recommendations to the Administrative Conference of the United States, November 2018 (with Michael Sant’Ambrogio).

Precedent and Disagreement, 116 MICHIGAN LAW REVIEW 1019 (2018) (reviewing RANDY J. KOZEL, SETTLED VERSUS RIGHT: A THEORY OF PRECEDENT (2017)) (selected in 2018 as winner of the second annual Award for an outstanding piece of scholarship by a member of the MSU Law faculty).

Civil Rules Interpretive Theory, 101 MINNESOTA LAW REVIEW 2167 (2017) (with Lumen N. Mulligan) (selected in 2017 as winner of the inaugural annual Award for an outstanding piece of scholarship by a member of the MSU Law faculty).

Obergefell and Democracy, 97 BOSTON UNIVERSITY LAW REVIEW 31 (2017).

Institutional Competence and Civil Rules Interpretation, 101 CORNELL LAW REVIEW ONLINE 64 (2016) (with Lumen N. Mulligan).

Judicial Review of Agency Discretion, in A GUIDE TO JUDICIAL AND POLITICAL REVIEW OF FEDERAL AGENCIES (Michael E. Herz *et al.*, eds.) (2d ed., 2015) (with Lisa Schultz Bressman).

The Dumbing Down of Statutory Interpretation, 95 BOSTON UNIVERSITY LAW REVIEW 209 (2015).

Against Methodological Stare Decisis, 102 GEORGETOWN LAW JOURNAL 1573 (2014) (with Evan J. Criddle).

Contestatory Democracy and the Interpretation of Popular Initiatives, 43 SETON HALL LAW REVIEW 1165 (2013) (invited essay) (Symposium on The Changing Landscape of Election Law).

Statutory Interpretation As Contestatory Democracy, 55 WILLIAM AND MARY LAW REVIEW 221 (2013).

The Supreme Court's Regulation of Civil Procedure: Lessons From Administrative Law, 59 UCLA LAW REVIEW 1188 (2012) (with Lumen N. Mulligan).

Political Reasons, Deliberative Democracy, and Administrative Law, 97 IOWA LAW REVIEW 849 (2012).

Constitutional Dialogue in a Republic of Statutes, 2010 MICHIGAN STATE LAW REVIEW 837 (2010) (Symposium on THE WILL OF THE PEOPLE by Barry Friedman).

Responding to The Will of the People: An Introduction to a Symposium in Reaction to Barry Friedman's Book, 2010 MICHIGAN STATE LAW REVIEW 551 (2010).

The Challenges of Fiduciary Administration, 88 TEXAS LAW REVIEW *See Also* 155 (2010) (invited response).

The Federal Inaction Commission, 59 EMORY LAW JOURNAL 369 (2009).

Textualism and the Executive Branch, 2009 MICHIGAN STATE LAW REVIEW 143 (2009) (Symposium on Administrative Statutory Interpretation).

Introduction to Symposium on Administrative Statutory Interpretation, 2009 MICHIGAN STATE LAW REVIEW 1 (2009).

Reason-Giving and Accountability, 93 MINNESOTA LAW REVIEW 1253 (2009).

The Bait-and-Switch in Direct Democracy, 2006 WISCONSIN LAW REVIEW 17 (2006).

Avoiding Absurdity, 81 INDIANA LAW JOURNAL 1001 (2006).

Rejecting the Myth of Popular Sovereignty and Applying an Agency Model to Direct Democracy, 56 VANDERBILT LAW REVIEW 395 (2003).

Note, *Using Agency Principles for Guidance in Finding Employer Liability for a Supervisor's Hostile Work Environment Sexual Harassment*, 48 VANDERBILT LAW REVIEW 1057 (1995).

Published Commentary and Conference Leadership:

Public Engagement with Elected Representatives, Symposium on William Araiza’s “Rebuilding Expertise,” YALE JOURNAL ON REGULATION, NOTICE & COMMENT (March 22, 2023).

Visions of a Progressive Regulatory Movement: Remarks on Democracy’s Chief Executive by Peter M. Shane, YALE JOURNAL ON REGULATION, NOTICE & COMMENT (Nov. 1, 2022).

Populism Has Found a Home at the Supreme Court, Too, THE NEW YORK TIMES (Dec. 17, 2021) (with Anya Bernstein).

Chair, Emerging Scholar Award Committee, Administrative Law Section, American Association of Law Schools (2021).

Elected Member, Executive Board, Administrative Law Section, American Association of Law Schools (2020-Present).

Public Engagement in Rulemaking, THE REGULATORY REVIEW (June 3, 2019) (with Michael Sant’Ambrogio).

Co-Founder and Member of Host Committee, Administrative Law New Scholarship Roundtable (2016-Present).

Scholarship Highlight: Who should resolve issues relating to the Federal Rules of Civil Procedure?, SCOTUSBLOG (Oct. 17, 2012) (with Lumen N. Mulligan).

Works in Progress:

- *Four Ways to Deconstruct Regulation and Undermine Democracy in the States* (critical analysis of recent trends in state administrative law);
- THE BOOK OF BUREAUCRATIC VIRTUES (early stages collaborative book project on special features of regulatory agencies that allow them to make unique contributions to constitutional democracy).

Selected Presentations and Scholarly Commentary:

“Populist Constitutionalism,” 2023 National Conference of Constitutional Law Scholars, The Rehnquist Center at the University of Arizona James E. Rogers College of Law, March 2023 (with Anya Bernstein).

“Four Ways to Deconstruct Regulation and Undermine Democracy in the States,” Legislation Roundtable, Georgetown University Law Center, March 2023.

Commentator and Member of Host Committee, The Seventh Annual Administrative Law New Scholarship Roundtable, University of Minnesota Law School, June 2022.

“Interpreting Initiatives Sociologically,” Conference on Interpretation in the States, University of Wisconsin Law School, May 2022.

“Populist Constitutionalism and the Regulatory State,” Power in the Administrative State Workshop Series, Legal Studies & Business Ethics Department, The Wharton School, University of Pennsylvania, April 2022 (with Anya Bernstein).

Invited Panelist, “Reflecting on Democracy,” Sharper Focus Wider Lens, Presented by Michigan State University Honors College, February 2022.

“A Deliberative Democratic Theory of Precedent,” Penn State Law, Faculty Workshop, February 2022. Commentator and Member of Host Committee, The Sixth Annual Administrative Law New Scholarship Roundtable, Yale Law School, September 2021.

“Judicial Populism,” Ipse Dixit Podcast, Episode 709, June 9, 2021 (with Anya Bernstein).

“Judicial Populism,” University of São Paulo, Department of Legal Philosophy, Seminar on Judicial Decision Making, June 2021 (with Anya Bernstein).

“Judicial Populism,” Third Annual National Conference of Constitutional Law Scholars, The Rehnquist Center at the University of Arizona James E. Rogers College of Law, March 2021 (with Anya Bernstein).

Invited Commentator, American Association of Law Schools, New Scholars Program, Joint Program of Sections on Legislation and Administrative Law, January 2021.

“Judicial Populism,” University at Buffalo School of Law, Faculty Workshop, October 2020 (with Anya Bernstein).

Commentator and Member of Host Committee, The Fifth Annual Administrative Law New Scholarship Roundtable, Yale Law School, September 2020.

Legislation Works-in-Progress Roundtable, 10th Anniversary Edition, Yale Law School, February 2020.

Invited Commentator, American Association of Law Schools, New Scholars Program, Section on Law and Interpretation, January 2020.

Invited Commentator, American Association of Law Schools, New Scholars Program, Joint Program of Sections on Legislation and Administrative Law, January 2020.

“Democratizing Rule Development,” The Fourth Annual Administrative Law New Scholarship Roundtable, University of Wisconsin Law School, June 2019 (with Michael Sant’Ambrogio).

Commentator and Member of Host Committee, The Fourth Annual Administrative Law New Scholarship Roundtable, University of Wisconsin Law School, June 2019.

“Public Engagement in Rulemaking,” The Third Annual Administrative Law New Scholarship Roundtable, University of Michigan Law School, June 2018 (with Michael Sant’Ambrogio).

Commentator and Member of Host Committee, The Third Annual Administrative Law New Scholarship Roundtable, University of Michigan Law School, June 2018.

“Public Engagement in Rulemaking,” 2018 Annual Meeting of the Law and Society Association (with Michael Sant’Ambrogio), June 2018.

“Public Engagement in Rulemaking,” Rulemaking Committee Meeting of the Administrative Conference of the United States, April 2018 (with Michael Sant’Ambrogio).

“Constitutional Dialogue in America,” 2018 Legislation Roundtable, Fordham Law School, March 2018.

“A Deliberative Democratic Theory of Precedent,” Eighth Annual Constitutional Law Colloquium, Loyola University Chicago School of Law, November 2017.

Commentator and Member of Host Committee, “The Second Annual Administrative Law New Scholarship Roundtable,” The Ohio State University Moritz College of Law, June 2017.

“Civil Rules Interpretive Theory,” Annual Meeting of the American Association of Law Schools, Breakfast Session of Section on Civil Procedure, Selected as Winner from Call for Papers by Executive Committee of AALS Section on Civil Procedure, January 2017 (with Lou Mulligan).

Commentator and Member of Host Committee, “The First Annual Administrative Law New Scholarship Roundtable,” Michigan State University College of Law, June 2016.

“Civil Rules Interpretive Theory,” Legislation Roundtable, Cardozo Law School, March 2016.
Commentator, “New Voices in Administrative Law,” Annual Meeting of the American Association of Law Schools, January 2016.

“A Deliberative Democratic Theory of Precedent,” Law and Society Association, 2015 Annual Meeting.

“Agenda-Setting in the Regulatory State: Theory and Evidence,” Invited Participant in Workshop Sponsored by the Penn Program on Regulation, Carnegie Endowment for International Peace, Washington, DC, November 2014.

“The Dumbing Down of Statutory Interpretation,” Emroch Faculty Colloquy Series, University of Richmond School of Law, February 2014.

“The Dumbing Down of Statutory Interpretation,” Law and Society Association, 2013 Annual Meeting.

“The Dumbing Down of Statutory Interpretation,” Florida International University College of Law, Faculty Workshop, April 2013.

“Contestatory Democracy and the Interpretation of Popular Initiatives,” Symposium on The Changing Landscape of Election Law, Seton Hall University School of Law, October 2012.

“Statutory Interpretation As Contestatory Democracy,” University of Virginia School of Law, Faculty Workshop, September 2012.

“Statutory Interpretation As Contestatory Democracy,” William and Mary Law School, Faculty Workshop, September 2012.

“Statutory Interpretation As Contestatory Democracy,” Law and Society Association, 2012 Annual Meeting.

Discussion Group, “Evolution or Revolution? American Civil Procedure in the 21st Century,” Southeastern Association of Law Schools, 2011 Annual Meeting.

“An Agency Approach to the Supreme Court’s Interpretation of Procedural Rules,” Law and Society Association, 2011 Annual Meeting (with Lou Mulligan).

“An Agency Approach to the Supreme Court’s Interpretation of Procedural Rules,” University of Missouri School of Law, Faculty Workshop, March 2011 (with Lou Mulligan).

Administrative Law Panel, “Plain Meaning in Context: Can Law Survive Its Own Language?” Symposium Presented by *New York University Journal of Law and Liberty*, February 2011.

“Political Reasons, Deliberative Democracy, and Administrative Law,” University of Kansas School of Law, Faculty Workshop, January 2011.

“Political Reasons, Deliberative Democracy, and Administrative Law,” Law and Society Association, 2010 Annual Meeting.

Discussant, “Theoretical Rationales for Regulatory Governance Policies and Their Transformation and Evaluation,” Law and Society Association, 2010 Annual Meeting.

Organized and Contributed to Symposium on THE WILL OF THE PEOPLE by Barry Friedman, 2010 *Michigan State Law Review* (with Rebecca Brown, Cliff Carrubba, Barry Friedman, Amanda Frost, Anna Harvey, Corinna Lain, Kevin McGuire, Bill Novak, Ed Purcell, Lori Ringhand, Neil Siegel, Larry Solum, and Georg Vanberg).

“Marketing Legal Scholarship,” Southeastern Association of Law Schools, 2009 Annual Meeting.

“The Federal Inaction Commission,” Law and Society Association, 2009 Annual Meeting.

“The Federal Inaction Commission,” The 28th Annual Thawer Symposium, Executive Power: New Directions for the New Presidency?, Emory University Law School, February 2009.

Organized and Contributed to Symposium on ADMINISTRATIVE STATUTORY INTERPRETATION, 2009 *Michigan State Law Review* (with Cary Coglianese, Michael Herz, Kristin Hickman, Margaret Lemos, Jerry Mashaw, Noga Morag-Levine, Robert Percival, Richard Pierce, Jonathan Siegel, and Kevin Stack).

Courses Taught:

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|---------------------------------------|----------------------------|
| * Administrative Law (14x) | * Legislation (17x) |
| * Civil Procedure (24x) | * Presidential Powers (1x) |
| * Comparative Constitutional Law (2x) | * Regulatory State (2x) |
| * Constitutional Law I (1x) | |

- * Visiting Professor, AMERICAN UNIVERSITY WASHINGTON COLLEGE OF LAW (Fall 2011).
- * Visiting Professor, UNIVERSITY OF ŁÓDŹ, Łódź, Poland (Summer 2010).
- * Visiting Professor, VYTAUTAS MAGNUS UNIVERSITY, Kaunas, Lithuania (Winter 2006).

* Recipient of *Distinguished Faculty Award*, Presented by the Student Bar Association of Michigan State University College of Law, 2009-10, 2020-21.

Legal Experience:

United States Department of Justice, Washington, DC

Attorney General's Honor Program, Civil Division, Federal Programs Branch
Trial Attorney, 1997-2001. Public law litigation often involving issues of first
impression in administrative, statutory, and constitutional law. Recipient of Special
Achievement Award in appreciation and recognition of Meritorious Acts or Service
performed in behalf of the Department, 1999-2000, 2000-01.

U.S. Court of Appeals for the Fifth Circuit, Austin, TX

Law Clerk to the Honorable Fortunato P. Benavides, 1996-97

Education:

Vanderbilt Law School, Nashville, TN

Doctor of Jurisprudence, 1996
Order of the Coif
Vanderbilt Law Review, Editor in Chief

University of Wisconsin, Madison, WI

Bachelor of Arts, with Honors and Distinction, 1993
Behavioral Science & Law/Political Science

Law College and University Committee Service:

- * ABA Self Study Committee (Chair, 2021-22)
- * Admissions Committee (2001-03) (Chair, 2012-13)
- * Committee on Committees (2004)
- * Curriculum Committee (2013-14) (Chair, Fall 2013)
- * Dean's Search Committee (2020)
- * Faculty Advisory Council (elected) (2007-08) (Chair, 2008-09) (2016-20)
- * Faculty Appointments Committee (2001-02, 2004-05, 2005-06, 2010-2011)
- * Faculty Programs Committee (2002-04, 2005-07, 2009-10)
- * Faculty Secretary (2003, 2007)
- * Law Review Advisory Committee (2002-04)
- * Legal Education Opportunity Program (Instructor, 2007-09)
- * Michigan State University Appellate Judicial Board (2004-07)
- * Michigan State University Council of Research Deans (2009-2013)
- * Retention, Promotion, and Tenure Committee (elected) (2014-2018, 2020-22)
- * Student-Faculty Liaison Committee (2004-05)
- * Tenure Advisory Committee (2007-2018, 2020-Present)

Bar Membership and Activities:

- * Associate Member, Committee on Civil Procedure and Courts, State Bar of Michigan, 2002-04
- * Member, State Bar of Texas, 1997-Present