ABBE R. GLUCK

Alfred M. Rankin Professor of Law
Faculty Director, Solomon Center for Health Law & Policy,
Founder and Faculty Director, Yale Medical-Legal Partnership,
Yale Law School
Professor of Medicine, Yale School of Medicine

Yale Law School - 127 Wall Street, New Haven, CT 06511
Email: abbe.gluck@yale.edu
Phone: (203) 432-6703 (work); (917) 287-0013 (cell)

Yale Law School official website: http://www.law.yale.edu/faculty/AGluck.htm

EDUCATION

Yale Law School, New Haven, CT; J.D., 2000 (9/97/-5/00); *Honors* in every graded course

Honors:
- 1999-2000 Coker Fellow in Civil Procedure
- 1998-2000 John M. Olin Fellow in Law, Economics, and Public Policy

Activities:
- *Yale Law Journal*, Notes Editor
- Jerome N. Frank Legal Services Organization, Chair, Student Board of Directors
- Landlord-Tenant Clinic, Student Director
- *Yale Law & Policy Review*

Yale University, New Haven, CT; G.P.A.: 3.99, Phi Beta Kappa (9/92-5/96)
B.A., *summa cum laude*, with distinction, English, May 1996
B.A., *summa cum laude*, with distinction, International Studies, May 1996

Honors:
- Bishop Berkeley Prize, 1996 (for highest G.P.A. in the residential college)
- Charles Seymour Prize for Highest G.P.A. in the Humanities for the Class of1996
- Paine Memorial Prize for Best English Senior Thesis, 1996
- Edward J. Meeker Prize for Best Essay in English, 1993
- Samuel Bloch Prize for Best Freshman Essay in English, 1993

Activities:
- *The Yale Herald*, Editor-In-Chief

Hamilton College Academic Semester in Spain, Madrid, Spain (1/95-6/95)
- Director's Prize for Academic and Cultural Achievement

JUDICIAL CLERKSHIPS

- **Justice Ruth Bader Ginsburg, U.S. Supreme Court** (7/2003-7/2004)
- **Chief Judge Ralph K. Winter, U.S. Court of Appeals, Second Circuit** (8/2000-8/2001)

RECENT LEGAL AND ACADEMIC WORK EXPERIENCE

EXECUTIVE OFFICE OF THE PRESIDENT, SPECIAL COUNSEL TO THE PRESIDENT AND SPECIAL COUNSEL TO THE WHITE HOUSE COVID-19 RESPONSE TEAM Washington, D.C. (1/21- 11/21)

- *Special Counsel to the President, Special Counsel to the White House Covid-19 Response Team:* Lead attorney for the Biden Administration's White House Covid-19 Response Team, in which capacity handled all legal matters for the White House relating to the Administration's response to the pandemic; also handled the healthcare, Veterans and food policy portfolios for the White House Counsel's Office.

BIDEN-HARRIS TRANSITION, Washington, D.C. (11/20-1/21): Lead counsel for the Covid-19 Response Team and assisted on various other legal matters relating to the presidential transition.

YALE LAW SCHOOL, New Haven, CT (7/2012-present)

- *Alfred M. Rankin Professor of Law (endowed chair) and Founding Faculty Director, Solomon Center for Health Law and Policy,* 2020-present; *Appointments Committee Chair*, 2022-2023
- Listed as the 11th most-cited public law scholar in the country since 2013; the 16th most-cited scholar under 50 across all legal fields of all time; and the second most-cited scholar in field of statutory interpretation/legislation since 2016. Profiled in 2021 in the U. Chi. L Rev. *Most-Cited Legal Scholars Revisited.*
- *Professor of Law (with tenure) and Founding Faculty Director, Solomon Center for Health Law and Policy,* 2014-2020
- *Founding Faculty Director, Yale Law School Medical Legal Partnership Program, 2012-present*
- *Professor of Medicine (General Medicine), Yale School of Medicine 2019-present (secondary appointment)*
- *Founding Faculty Director, Yale Elder Law Project, 2019-present*
- *Affiliated Faculty, Yale Program in Addiction Medicine, Yale School of Medicine 2018-present*
- *Professor in the Institution for Social and Policy Studies*, 2015-present
- *Executive Committee and Affiliated Faculty, ISPS Health at Yale,2012-present*
- *Associate Professor of Law*, 2012-2014
- Areas of teaching and expertise*:* State and Local Law, Federalism, Legislation and the Political Process, Civil Procedure, Health Law
- Awarded Yale Law School's Teaching Award 2015
- Nominee for Yale Law School's Teaching Award, 2014

COLUMBIA LAW SCHOOL, New York, NY (2008-2012)

- *Associate Professor of Law and Milton Handler Fellow* (2010-2012; Academic Fellow prior).

ADMINISTRATION OF GOVERNOR JON S. CORZINE, **OFFICE OF THE ATTORNEY GENERAL,** Trenton, NJ (2007-2008)

- *Special Counsel and Senior Advisor to the Attorney General.* One of top four

senior staff in 10,000-employee Attorney General's office. Had oversight responsibilities over employees in the Divisions of Consumer Affairs (including Charities), Elections, Affirmative Litigation, and Internet Law; provided counsel to Governor's Office and state departments, including Health, Banking and Insurance, and Economic Growth; served as senior policy advisor to the Attorney General; oversaw office contacts with the National Association of Attorneys General, including decisions concerning joining of multistate litigation, policy initiatives, and Supreme Court practice.

ADMINISTRATION OF MAYOR MICHAEL R. BLOOMBERG, New York, NY (2004- 2006)

- *Chief of Staff and Counsel to the Deputy Mayor for Health and Human Services* (2006). Managed staff and all legal and legislative matters for deputy mayor, overseeing the Departments of Health and Mental Hygiene, Chief Medical Examiner, Aging, Children's Services, Juvenile Justice, Correction, Probation, and Homeless Services, and the NYC Health and Hospitals Corporation and Human Resources Administration.
- *Senior Counsel, NYC Office of Legal Counsel* (2004-2006). Advised the NYC Corporation Counsel, the Mayor and City agencies on federal constitutional issues, education law, economic development, judicial selection reform, criminal justice and litigation between the Mayor and the City Council, and between the City and the State of New York, and helped to draft and negotiate the City's legislative agenda.
- *Deputy Special Counsel to the NYC Charter Revision Commission* (2004-2005). Ran hearings, undertook negotiations, drafted charter amendments and assisted with all aspects of the Commission's work, under Chair Ester R. Fuchs.

BROOKLYN LAW SCHOOL, Brooklyn, NY (2003-2005)

- *Visiting Assistant Professor* (2003). Taught Legislation and Statutory Interpretation.
- *Adjunct Professor* (2005)

PAUL, WEISS, RIFKIND, WHARTON & GARRISON, New York, NY (2001-2002)

- *Litigation Associate* (and summer associate, summers 1999 and 2000).

AREAS OF TEACHING AND EXPERTISE:

- Civil procedure, including complex civil litigation and multidistrict litigation
- Federal courts, federalism, state courts, and state-federal relations
- Legislation, statutory interpretation, and Congress
- U.S. Supreme Court
- Health Law, with special focus on: Affordable Care Act, opioids, Covid, Medicare, Medicaid, insurance, state-federal relations, health law litigation, business of health care, elder healthcare, medical-legal partnership and healthcare disparities
- *Courses taught: Federal and State Courts; Civil Procedure; Legislation and Statutory Interpretation; Medical Legal Partnership; Health Law; various seminars, including Law and Gun Violence; Advanced Statutory Interpretation, Covid-19—Law, Economics, Governance; Law and the Opioid Crisis*

SELECTED PROFESSIONAL ACTIVITIES

- Elected Member of the Executive Committee, NYC Bar Association, 2025-
- Appointed Expert Reviewer, Connecticut Maternal Health Blueprint (2025)
- Secretary and Counsel, Miracle League of New York City, ((disability sports nonprofit) 2022-present
- Appointed Public Member, Administrative Conference of the United States, 2022-present
- Elected to American Law Institute Council, the leadership body of the American Law Institute, 2018- present; Elected to ALI in 2015; Advisor Medical Malpractice
- Appointed State Commissioner, Uniform Law Commission, 2015-present; Chair, Healthcare Law Committee, 2018-2020; Healthcare Joint Editorial Board Chair, 2020-present; Chair Study Committee on Anatomical Gifts and Related Matters
- The Fund for Modern Courts, NY; Chair Elect; Vice Chair 2020-; Secretary 2011-2012;
- New York City Bar Association, NYC Affairs Committee (current, including as chair 2010-12); Council on the Profession (2020-present); Appointee to the Inter-Committee Working Group on Artificial Intelligence (2023-present) and chair, Subcommittee on Digital Tech and access to Justice; Appointee to the Judicial Administration and Artificial Intelligence Committee (2023-present);Appointee to the Inter-Committee Task Force on Charter Revision; Federal Legislation Committee (2004-2007)
- Connecticut Bar Association, 2022-present
- Appointed member, New York State Taskforce on Life and the Law, 2015-present
- Chair, Yale Law School Appointments Committee, 2022-2023
- Chair, Yale Law School Committee to Review the First Term, 2019-2020
- Nominated/Appointed National Order of the Coif Lecturer, 2018
- Convener/Organizer, *Covid-19: Law, Economics, Governance,* Yale University 2020) (14-week convening)
- Chair, Yale Law School Committee on Judicial Misconduct and Reporting, Yale Law School (2018-2019)
- Convener/Organizer: *Law and Gun Violence*, Yale Law School, 2020 (year-long convening, with volume published)
- Convener/Organizer: *Law and the Opioid Crisis*, Yale Law School, 2018- 2019 (year- long convening, with volume published)
- Convener/Organizer: *The Policy Politics and Law of Cancer*, Yale University, 2018 (largest Cancer convening in Connecticut history)
- Chair, Yale Law School Entry-Level Hiring Committee
- Appointed Member, University of Pennsylvania Consortium on Precision Medicine and Cancer, 2016
- Invited Participant, Presidential Cancer Moonshot Summit, Washington DC 2016
- Chair Emerita, American Association of Law Schools, Legislation and Law of the Political Process Section (Chair 2015-2016; Chair-Elect (2014)).
- Chair, Yale Law School Heyman Fellowship Committee for Government Service, 2015-2018
- Chair, Yale Law School Public Interest Fellowship Committee, 2013-2015
- Yale ISPS Health Executive Committee (interdisciplinary Yale health faculty working group), 2013-present
- Yale Bioethics Committee, Executive Committee
- Co-convener and moderator of "The Bloomberg Administration's Legal Legacy" Conference, as outgoing chair of the NYC Bar Association's NYC Affairs Committee, Nov. 2012

- Executive Committee Board Member, American Constitution Society, NY Lawyer Chapter (and co-organizer of the panels, "From the Courts to the Legislature: The Debate Over Marriage Equality in New York"; "The Alito Nomination, the Supreme Court, and the Abortion Debate"; "The Roberts Nomination and the Upcoming Supreme Court Term"; "A Conversation with Kirsten Gillibrand"; "Health Reform: Debate Among the Experts;" "The 2009 Supreme Court Term and the Future of the Court"; "2010 Supreme Court Wrap-Up")
- Alumni interviewer for Yale College; Co-Chair, Yale College 25th Reunion for the Class of 1996, 2020-2022
- Annual Fund Committee, The Dalton School (1992-present); current Co-Chair, Class of 2025 (2012-present), various Parents Association Board Roles (2012- present)
- 2009 Benefit Alumni Co-Chair, The Dalton School; Alumni Council (2025-present)
- Mentor, An-Bryce Scholarship Program, New York University Law School (2004-2009)

SELECTED PUBLICATIONS

- LAW AND THE 100 YEAR LIFE (eds. Gluck et al) (Cambridge Univ. Press. May 2025)
- *Situating* Braidwood *n Broader Conversations about Health Policy and Administrative Law*, 50 AM. J. L. & MED. 1 (2024), (Volume Keynote)
- *Overruling Chevron without a Coherent Theory of the Statutory Interpretation and the Court-Congress Relationship*, 2024 HARV. J. LEG. 20.
- *The Homelessness Crisis, and Public Health - All Hands on Deck*, JAMA Internal Med. (Oct. 2024) (with Gross)
- *Purdue Pharma and the Sackler Family at the Supreme Court*, JAMA (Sept. 2024) (With Rothermich)
- *Against Bankruptcy: Public Values Versus the Endless Quest for Global Peace in Mass Litigation*, 133 YALE L.J.F. (2004) (with Burch & Zimmerman)
- *Justices to consider bankruptcy maneuver in public harms litigation*, SCOTUSBLOG (Dec. 3, 2023)
- *Plaintiffs' Process*: *Civil Procedure, MDL and A Day in Court*, 22 REV. LIT. 225 (2023)
- COVID 19 AND THE LAW: DISRUPTION, IMPACT AND LEGACY (eds., with Glenn Cohen et al., Oxford Univ. Press, 2023) (authored chapters on telemedicine and constitutional litigation)
- *Cost-Free Preventive Care under the ACA Faces Legal Challenge,* JAMA (Apr. 10, 2023) (with Gostin)
- *The Mifepristone Case and the Legitimacy of the FDA,* JAMA, (June 2, 2023)
- *Why the End of the Public Health Emergency Really Matters,* Health Affairs (May 11, 2023)
- *The Orthodox, and Unorthodox, RBG in Administrative Law and Civil Procedure*, 90 GEO. WASH. L. REV. 1532 (2022) (with Anne Joseph O'Connell)
- *Is Unpublished Unequal? An Empirical Examination of the 87% Nonpublication Rate in Federal Appeals*,107 CORNELL L. REV. 1 (2022) (with Jade Ford et al.)
- *MDL Nationalism, Federalism, and the Opioid Epidemic*, 70 DE PAUL L. REV. 321 (2021)
- A NEW DEAL FOR CANCER: LESSONS FROM A 50 YEAR WAR (with Charles Fuchs) (Nov. 2021)
- *MDL Revolution*, 96 N.Y.U. L. REV 1 (2021) (with Elizabeth Burch)

- LAW AND GUN VIOLENCE: AN INTERDISCIPLINARY EXAMINATION, J.L. MED. & ETHICS (special issue, guest editor) (with Ian Ayres & Tracey Meares) (Fall 2020)
- *Understanding the Role of Law in Reducing Firearm Injury through Clinical Interventions,* J. L. MED. & ETHICS (Fall 2020) (with Ranney et al.)
- *Gun Violence in Court*, J. L. MED. & ETHICS (Fall 2020) (with Noori and Wang)
- *The Congressional Bureaucracy,* 168 U. PA. L. REV. 154 (2020) (with Jesse Cross)
- *The Affordable Care Act's Litigation Decade,* 108 GEO. L.J. 1471 (2020) (with *Mark Regan and Erica Turret)*
- *Affordable Care Act Entrenchment,* 108 GEO. L.J. 495 (2020) (with Thomas Scott Railton)
- *Reading the Findings: Location, Text and Context as the ACA Returns to Court*, 130 YALE L.J.F. (2020)
- *Holding Congress to its Word: Statutory Realism, Second-Generation Textualism, and ACA Entrenchment in* Maine Community Health Options, ACS SUPREME COURT REV. (2020)
- *"Her Black Coffee Always Brewed Strong,"* N.Y. TIMES, Sept. 21, 2020 (with Gillian Metzger).
- *"A scalpel rather than a bulldozer": Severability is in the spotlight as the newest ACA challenge looms*," Scotusblog (July 28, 2020)
- *Assessment of Health Status and Barriers to Employment Among Medicaid Beneficiaries Not Meeting Work Requirements After Accounting for State Medical Frailty Exemptions" JAMA* Internal Medicine (May 2020) (with David Silvestri, and Joseph S. Ross
- *What happens when our insurance is tied to our jobs, and our jobs vanish*? (with Timothy Stoltzfus Jost), WASH. POST, Apr. 13, 2020
- *There's Only One Thing Stopping Trump from Deporting Health Care Workers*, NY TIMES, Apr. 2, 2020, with Bill Aseltyne, Beth Essig & Debra L. Zumwalt
- *Opinion: Prison outbreak affects health of entire state*, CT POST, Mar. 31, 2020 (with Andrew Clark, Lisa Puglisi & Emily Wang)
- *Happy Tenth Birthday Obamacare, This Crisis Would be Much Worse without You*, Health Affairs Online, Mar 23, 2020
- *The Families First Coronavirus Response Act Is Necessary but Not Sufficient–Here's What Congress Should Do Next*, Health Affairs Online, Mar. 18, 2020 (with Erica Turret et al.)
- *Health Care Priorities For A COVID-19 Stimulus Bill: Recommendations To The Administration, Congress, And Other Federal, State And Local Leaders From Public Health, Medical, Policy And Legal Experts*, Health Affairs Online, Mar. 12, 2020 (with Erica Turret et al.) *Federalism and the Affordable Care Act*, in THE TRILLION DOLLAR REVOLUTION (2020) (with Nicole Huberfeld)
- *The ACA At 10: Health Care Revolution*, Health Aff. Online (March 2020) (with Ezekiel Emanuel)
- *Ensuring Equity and Justice in the Care and Outcomes of Patients with Cancer*, *JAMA* (April 2019) (with Blase Polite & Otis W. Brawley)
  Textualism without Formalism: Justice Scalia's Statutory Interpretation Legacy, in JUSTICE SCALIA: RHETORIC AND THE RULE OF LAW (2019)
- WHO SHOULD YOU BLAME IF YOU LOSE YOUR HEALTH CARE? NY TIMES, DEC. 19, 2019
- *Opinion Analysis, Notice and Comment Under the Medicare Act, No Big Moves for the APA,* Scotusblog (June 4, 2019) (with Anne O'Connell)

- *Argument analysis: Justices grapple with notice-and-comment rulemaking for Medicare and beyond*, Scotusblog (Jan. 16, 2019)
- *Argument Preview: Requiring notice-and-comment rulemaking under the Medicare statute*, Scotusblog (Jan. 18, 2019)
- *What is Federalism in Health Care For?* 70 STAN. L. REV. 2689 (2018) (with Nicole Huberfeld)
- *What the Lawless ObamaCare Ruling Means,* N.Y. TIMES, Dec. 15, 2018 (with Jonathan Adler)
- *The Ticking Time Bomb Under* ObamaCare, N.Y. TIMES, Dec. 6, 2018 (with Erica Turret)
- *Don't Sentence Prisoners to Addiction,* Wall St. J., Dec. 10, 2018 (with Kate Stith)
- *An Obamacare Care So Wrong it Has Provoked a Bipartisan Outcry,* N.Y. Times, June 19, 2018 (with Jonathan Adler)
- *The Fate of the ACA Could Turn on Judge Kavanaugh's Appointment*, Vox, July 23, 2018
- The *New Health Care Federalism on the Ground*, IND. HEALTH L. REV. (2018) (with Nicole Huberfeld)
- *Introduction: Law and the Opioid Crisis, and Interdisciplinary Examination*, J. L. MED. & ETHICS (2018) (with Ian Ayres and Kate Stith)
- *Civil Litigation and the Opioid Epidemic*, J. L. MED. & ETHICS (2018) (with Ashley Hall & Greg Curfman)
- *Pain and Addiction in Specialty and Primary Care: The Bookends of a Crisis,* J. L. MED. & ETH. (2018) (with Daniel Tobin, Seth Waldman & Joseph Schottenfeld)
- *Can a Judge Solve the Opioid Crisis?* Wall St. Journal (May 7, 2018)
- *Medical Legal Partnerships: A Case Study of New Haven and an Agenda for Future Research* J. L. MED. & ETHICS (2018) (with Emily Benfer & Katherine Kraschel)
- *Statutory Interpretation on the Bench: A Survey of 35 Judges on the Federal Courts of Appeals*, 131 HARV. L. REV. 1298 (2018) (with Judge Richard Posner)
- *Soaring Cost of Cancer Treatment: Moving Beyond Sticker Shock,* Journal of Clinical Oncology (Dec. 2017) (with Cary Gross)
- *The Supreme Court Ruling in Sandoz v Amgen - A Victory for Follow-on Biologics,* JAMA Intern Med. (Nov. 2017) (with Ameet Sarpatwari & Gregory D. Curfman)
- *President Trump admits he's trying to kill Obamacare. That's Illegal.* VOX (Oct. 2017)
- *Unorthodox Civil Procedure: Modern Multidistrict Litigation's Place in the Textbook Understandings of Procedure,* 165 U. PENN. L. REV. 1669 (2017)
- *Justice Scalia's Unfinished Business in Statutory Interpretation: Where Textualism's Formalism Fell Short*, 92 NOTRE DAME L. REV 2053 (2017)
- *Congress, Statutory Interpretation, and the Failure of Formalism: The CBO Canon and Other Lessons from How Congress Works*, 84 U. CHI. L. REV. 177 (2017)
- "How the GOP Sabotaged Obamacare," Op-ed, NY TIMES, May 25, 2017
- "America Needs to Decide: Is Healthcare Something We Owe Our Citizens?" *Vox, The Big Idea,* Mar. 18, 2017
- "Goodbye U.S. Senate, Op-ed, LA TIMES, Apr. 7, 2017
- "If Republicans aren't confident enough to let the CBO score their healthcare plan, they shouldn't try to pass it," Op-ed, LA TIMES, Mar. 7, 2017
- *The Politics of Medicare and Drug Price Negotiation*, *Health Affairs Online,* http://healthaffairs.org/blog/2016/09/19/the-politics-of-medicare-and-drug-price-negotiation/ (2016)

- *The New Health Care Industry--Consolidation, Integration, Competition in the Wake of the ACA*, Symposium Convener and Introduction, *Health Affairs Online*, http://healthaffairs.org/blog/2016/02/24/symposium-the-new-health-care-industry- consolidation-integration-competition-in-the-wake-of-the-aca/ (2016)
- *Nationalism as the New Federalism*, ST. LOUIS L. REV. Childress Lecture Issue (2015)
- *Imperfect Statutes, Imperfect Courts: King v. Burwell and the Modern Legislative Era,* 129 HARV. L. REV. (2015)
- *Unorthodox Lawmaking, Unorthodox Rulemaking*, 115 COLUM. L. REV. 1789 (2015) (with Anne O'Connell and Rosa Po)
- *The Ripple Effect of "Leg-Reg" on the Law School Curriculum*, 65 J. LEGAL EDUC. 121 (2015)
- *Why Health Lawyers Must be Public-Law Lawyers*, *Health Law in the Age of the Modern Regulatory State*, 18 J. HEALTH CARE L. & POL'Y 323 (2015)
- *The Law of Medicare and Medicaid at Fifty*, 15 YALE J. HEALTH. POL'Y, L. AND ETHICS 1 (2015) (introduction to symposium volume)
- ESKRIDGE, GLUCK AND NOURSE'S LEGISLATION AND ADMINISTRATION (West 2015)
- *What 30 Years of* Chevron *Teaches Us About the Rest of Statutory Federalism*, 83 FORDHAM L. REV. 607 (2014)
- *Another Hole in the* Halbig *Verdict*, POLITICO MAGAZINE, Aug 10, 2014
- *What the D.C. Circuit Got Wrong About Obamacare*, POLITICO MAGAZINE, July 22, 2014
- *Statutory Interpretation from the Inside—An Empirical Study of Congressional Drafting, Delegation and the Canons: Part II*, 66 STAN L. REV. 725 (2014) (with Lisa Bressman)
- *Our [National] Federalism*, 123 YALE L.J. 1996 (2014)
- *A Legal Victory for Insurance Exchanges,* NEW ENGLAND J. OF MED., Mar. 6, 2014
- *Statutory Interpretation from the Inside—An Empirical Study of Congressional Drafting, Delegation and the Canons: Part I*, 65 STAN. L. REV. 901 (2013) (with Lisa Bressman)
- *Federalism from Federal Statutes: Health Reform, Medicaid and the Old Fashioned Federalists' Gamble*, *in* THE HEALTH CARE CASE (Persily et al. eds. 2013)
- *The Federal Common Law of Statutory Interpretation:* Erie *for the Age of Statutes*, 54 WM. & Mary L. Rev. (2013)
- *Federalism from Federal Statutes: Health Reform, Medicaid and the Old Fashioned Federalists' Gamble*, 81 FORDHAM L. REV. 1748 (2013)
- *A Conversation with Justice Ruth Bader Ginsburg*, 25 COLUM. J. GENDER & L. (2013) (with Gillian Metzger)
- "The 'CBO Canon' and the Debate over Tax Credits on Federally Operated Health Insurance Exchanges," BALKINAZATION (July 10, 2012), http://balkin.blogspot.com/2012/07/cbo- canon-and-debate-over-tax-credits.html.
- "The Severability Doctrine," Op-ed (with Michael Graetz), N.Y. TIMES, Mar. 23, 2012
- *Intrastatutory Federalism and Statutory Interpretation: State Implementation of Federal Law in Health Reform and Beyond*, 121 YALE L.J. 534 (2011)
- *Statutory Interpretation Methodology as "Law": Oregon's Pathmarking Approach and its Lessons for the Nation*, 47 WILLAMETTE L. REV. 539 (2011) (invited keynote address)
- *Intersystemic Statutory Interpretation: Methodology as "Law" and the* Erie *Doctrine*, 120 YALE L.J. 1898 (2011)
- "Just the Facts: Health Economics and Constitutional Doctrine" (with Gillian Metzger), SCOTUSBlog, Aug. 4, 2011
- "What the States Still Have to Do," *in* "Room for Debate," N.Y. TIMES online, Dec. 14, 2010 (debating effect of Virginia federal court decision on health reform legislation, with Jack Balkin, Randy Barnett, et al.)

- "The Tenth Amendment Question," *in* "Room for Debate," N.Y. TIMES online, Mar. 28, 2010 (debating constitutionality of the health reform legislation, with Jack Balkin, Randy Barnett, et al.)
- *The States as Laboratories of Statutory Interpretation: Methodological Consensus and the New Modified Textualism*, 119 YALE L.J. 1750(2010)
- "The Perils of Electing Judges," Op-ed, ALBANY TIMES UNION, Feb. 3, 2010 (with Victor Kovner)
- *Yale's Landlord-Tenant Innovator*: *Tribute to Frank Dineen*, *in* 40 YEARS OF CLINICAL EDUCATION AT YALE (2010)
- Case Note, *Preserving Per Se*, 108 YALE L.J. 913 (1999)
- *A New Haven for the Dead: The Legal and Organizational Origins of the American Cemetery* (currently under revision; original manuscript awarded 1998 Yale Law School John M. Olin Fellowship and solicited for publication as a monograph by New Haven Historical Society)
- More than 100 articles on business and finance, published in *The Baltimore Sun* and, through Bloomberg Business News, major newspapers including *The Boston Globe*, *The New York Times*, and *The Wall Street Journal* (1995-1996)

OTHER HONORS AND AWARDS

- Eisenberg Prize Winner, 2024, for high quality work in appellate practice and procedure, American Academy of Appellate Lawyers
- National Order of the Coif Lecturer, 2018
- Yale Law School Teaching Award Winner, 2015

MAJOR AMICUS BRIEFS, COUNSEL /COUNSEL OF RECORD

- Amicus Brief on Behalf of Bipartisan Law Professors on Severability, *California v. Texas* (filed in district court, Court of Appeals and U.S. Supreme Court) 2018, 2019, 2020

- Brief for Federalism Scholars, *King v. Burwell*, 2015, Supreme Court statutory challenge to the Affordable Care Act (filed in U.S. Supreme Court)

- Brief on behalf of 104 Health Law Professors, *NFIB v. Sebelius*, 2012, Supreme Court constitutional challenge to the Affordable Care Act (filed in U.S. Supreme Court)

OTHER WORK EXPERIENCE

U.S. ATTORNEY'S OFFICE, E.D.N.Y., Brooklyn, NY (Summer internship 1998)
- *Summer Law Intern*, Business/Securities Fraud, Organized Crime, General Crimes.

U.S. DEPARTMENT OF JUSTICE, ANTITRUST DIVISION, Washington, DC (Summer internship 1998)
- *Summer Law Intern*, criminal/mergers litigation section.

OFFICE OF U.S. SENATOR PAUL S. SARBANES, Washington, DC (1997)
- *Special Assistant/Speechwriter*.

BEN CARDIN FOR CONGRESS, Baltimore, MD (Fall 1996)

- *Election Manager*. Third-in-command on congressional campaign, and district coordinator for Clinton/Gore 1996 presidential campaign. Job ceased after election.

THE BALTIMORE SUN, Baltimore, MD (Summer 1996)

- *Business Reporting Fellow*. Wrote 67 articles on business and finance.

BLOOMBERG BUSINESS NEWS, New York, NY (Summer & Fall internships 1995)

- *Business Reporting Intern/Stringer*. Wrote articles on business, finance, labor, and law

OTHER ACADEMIC AND INSTITUTIONAL SERVICE

- Yale Law School Curricular Appointments Committee 2020-2021
- Yale Law School Clerkship Committee 2020-2023-
- Yale Law School Liman Public Fellowship Committee (2024-2025 & 2013-2014)
- Yale University Provost's Committee for School of Public Health Appointments, 2019- present
- Co-organizer, Yale Interdisciplinary Health Seminar, a monthly workshop, 2013-2016
- Faculty Advisor, Yale Health Law and Policy Students' Association: help organize and moderate panels on health policy and law, and health law careers; help to establish and oversee the new Medical-Legal Partnership program, 2012-present
- Keynote Speaker, YLS NYC Annual Alumni Luncheon, May 2013
- Yale Law School Discipline Committee, Spring 2013
- Yale Law Women Scholarship Panel, Fall 2012
- Yale Law Women Teas, Spring 2013 & 2014
- Yale Careers in Law Teaching Panel, "Teaching Civil Procedure," Spring 2013; "Navigating the Market," Fall 2014
- Yale ACS Academic Scholarship Panel, Fall 2012
- Yale Law Journal Scholarship Panel, Spring2013
- Clerkship Committee, Columbia Law School, 2010-2012
- Government Service Committee, Columbia Law School, 2010-2012
- Co-Convener, Columbia Law, Health and Society Interdisciplinary Colloquium, 2010- 2012
- Faculty Board Member, *Columbia Journal of Law and Social Problems*,2011-2012
- Advisor, Columbia Health Law Students Association, 2010-2012
- Advisor, Columbia Health Law Moot Court Team, 2011-2012
- Moderator, Clerking for State Courts Panel, 2011
- Organizer (with William Eskridge), First Annual Legislation "Works in Progress" Roundtable, Columbia Law School, April 2011
- Panelist, "From Public Service to Teaching," Columbia Law School Careers in Teaching Program (2009, 2010, 2011)
- Speaker, Columbia Alumni Breakfast Series, Apr. 2011
- Panelist, Columbia One-L Faculty Welcome Panel, Aug. 2010
- Speaker, Columbia Public Interest Law Breakfast, Aug. 2010
- Moderator, Health Reform Panel, Columbia Law School Reunion, June2010
- Advisory Board Member, Columbia National State Attorneys General Program, 2008- 2012
- Columbia Careers in Law Teaching Program; provided various types of assistance

(speaking to associates and fellows, reading papers, organizing moot job talks), 2008- 2012
- Invitee, Harvard Executive Working Group for State Court Leaders (2009)

SELECT RECENT PRESENTATIONS

- Invited Keynote Speaker, Affordable Care Act at 15, Seton Hall Law School, March 2025
- Keynote Speaker, American Journal of Law & Medicine Symposium on the *Braidwood* case and preventative care, Feb 2024
- Jerome Hall Lecturer, Endowed Lecture, University of Indiana Law School, Fall 2023
- Keynote Speaker, Touro Law School/Johns Hopkins Conference on Past, Present & Future of the Opioid Litigation, Fall 2023
- Women and the Roberts Court, UJA Women Lawyers Speakers Series, Summer 2023
- Health & Veritas Podcast, Summer 2023
- *Plaintiffs' Process*, Yale Law School *Managerial Judges* Conference, Fall 2022
- Federal Judicial Center National Symposium, Fall 2022
- Symposium on Legacy of Justice Ruth Bader Ginsburg, Spring 2022
- MDL Revolution, American Law Institute Podcast, 2021
- The Congressional Bureaucracy, Law & Governance Podcast, Fall 2021
- *A New Deal For Cancer*, various book talks, Fall 2021
- Ruth Bader Ginsburg's Legacy, Park Avenue Synagogue, Fall 2020 (with Jeffrey Rosen)
- People of the Pod, Remembering Justice Ginsburg, Fall 2020
- Ropes & Gray Lunchtime Series, Justice Ginsburg's Legacy, Fall 2020
- What's next for the ACA, National Council of Insurance Legislators, Fall 2020
- Settlement Dollars Moving Forward, National Opioid Leadership Summit, Fall 2020
- Co-Convener: Covid: Law, Economics, Governance (14-week workshop), Fall 2020
- *California v. Texas and What's Next for the ACA,* multiple presentations (Scotusblog live twitter conversation, Yale School of Medicine, National Constitution Center Podcast, Yale Law School, Columbia Mailman School of Public Health, American Association of Medical Colleges), Fall 2020
- MDL Revolution, Northwestern Civil Procedure Workshop, Fall 2020
- Firearms Litigation: Liability, Regulation and the Constitution, NYU Law Conference, Fall 2020
- NYC Bar Association Corporate Counsel Symposium, What to Expect in Healthcare and Regulation, Fall 2020
- *The Atlantic,* Online Roundtable Discussion on Healthcare Going Forward, Fall 2020
- Legacy of Justice Ruth Bader Ginsburg (multiple events- Ropes & Gray, FIU Law School, Fall 2020
- The Congressional Bureaucracy, Gray Center Roundtable & Podcast (multiple additional presentations, NYU Law School, U. Georgia Law School, Yale Law School, Annual Civil Procedure Workshop, 2020)
- Critical Race Theory and Civil Procedure, Fall 2020, Fall 2019, Fall 2018, Fall 2017
- Federalism and the Opioid Litigation, Clifford Symposium, Spring 2020
- The Opioid Litigation "TED-YLS" Talk (multiple presentations 2019-2020)
- Bloomberg Opioid Policy Roundtable, Spring 2020
- *Convener, ACA at 10*, Yale Law School, Fall 2020
- Testimony before House Oversight Committee on Future of the Affordable Care Act, Washington, D.C., 2019
- Ruth Bader Ginsburg: Life, Love, Liberty, Law, New York Historical Society, 2019
- Order of the Coif Lectures, Legal Responses to the Opioid Crisis, 2018-- Case Western, Georgia State and Houston Law Schools
- Multidistrict Litigation and the Opioid Crisis, 2018 Health Law Professors Conference, Cleveland, Ohio

- "What is Federalism in Health Care For?" Faculty workshops at Yale, Northwestern, U. Hastings Law Schools (2017-2018)
- "Statutory Interpretation on the Bench," Faculty workshops at Columbia and Case Western
- Future of Congress, 2nd Circuit Judicial Conference (2018)
- Law Schools and 10th Circuit Judicial Conference (2017-2018)
- Tribal Nations the Opioid Crisis, New Haven CT 2018
- Medicaid and the Trump Administration, New Haven, CT 2018
- Federalism conversation with Judges Jeffrey Sutton and Goodwin Liu, New Haven, CT 2017
- "Drafting and Interpreting Legislation," New York City Law Department, invited presentation, 2017
- New Health Care Federalism," Indiana Health Law Review Invited Speaker, Oct. 2016 Symposium
- Health Policy, Where We Are, Where are we Going," Yale Law School Reunion Feature Panel, Oct. 2016
- •"Drafting and Interpreting Legislation," New York City Law Department and City Council, May 2016
- The Future of the Pharmaceutical Industry," (convened and moderated conversation, with Former FDA Commissioner Margaret Hamburg and Merck CEO Kenneth Fraizer), Yale Law School Corporate Law/Solomon Center NYC Alumni Breakfast, May 2016
- "Why Empirical Work Matters in Statutory Interpretation," Univ. Chicago Law School Methodological Underpinnings of Legal Research Conference, May 2016
- "The Future of *Chevron*," George Mason Research Roundtable, Invited Speaker, March 2016
- "A Conversation on Legislation and Congress with Senator Schumer and Chief Judge Katzmann," American Association of Law Schools Annual Conference, Jan 2016 (convener and moderator)
- "The New Health Care Industry: Consolidation, Integration, Competition in the Wake of the ACA, Yale Law School Solomon Center Launch Conference, Nov. 2015
- "Lower Federal Court Statutory Interpretation," Seventh Circuit Judicial Conference Invited Speaker (with co-author Judge Richard Posner), June 2015
- "Realities of Congressional Lawmaking and Statutory Interpretation," Tenth Circuit Federal Judicial Conference, Invited Speaker, May 2015
- "Unorthodox Lawmaking, Unorthodox Rulemaking," Harvard, Columbia, Texas Law Schools, 2015
- *Judging Statutes: A Conversation with Chief Judge Robert A. Katzmann*, Yale Law School, New Haven, CT., Nov. 2014 & New York City, Yale Alumni Event, 2016
- "The Law of Medicare and Medicaid at Fifty," Introduction to the Yale Law School Conference on Medicare and Medicaid at Fifty, New Haven, CT, Nov. 2014
- Debating *King v. Burwell*: The Next Big ObamaCare Case," Yale Law School Federalist Society/ACS co-sponsored debate (with Jonathan Adler), New Haven, CT, Nov. 2014
- 2014 Rome Lecturer, "Health Reform in Congress, State and Court," University of Maryland Law School, Baltimore, Md, November 2014
- *A Conversation with Justice Ginsburg*, New York City Historical Society, Oct. 2014
- 2014 Distinguished Speaker in Health Law, St. Louis University Law School, St. Louis, Mo., Oct. 2014
- 2014 Childress Lecture, Invited Commentator on "Nationalism and Federalism," St. Louis University Law School, St. Louis, Mo., Oct. 2014
- "How Healthy is the First Amendment," moderator, Yale Law School First Amendment and Public Health Conference, New Haven, CT, Oct. 2014
- State Solicitors General: Connecticut and Texas, convener and moderator, Yale Law School

Federalist Society/ACS co-sponsored event, New Haven, CT, Sept. 2014

- Statutory Interpretation Spotlight Panel, National Association of Attorneys General Annual State Solicitors General Conference, Washington DC, July 2014
- "Progressive Politics and Social Change in the States: A Conversation with Connecticut Governor Dan Malloy," Yale Law School, New Haven, Mar. 2014
- *Statutory Interpretation from the Inside II*, Various Law School workshops 2014,
- "Federalism and the Obamacare Insurance Exchanges," Yale Law School Conference on Exchange Implementation, New Haven, CT, Feb. 2014
- "Democracy and Statutory Interpretation: "The Role of Empirics, and Understanding Congress, in the Theories and Doctrines of the Modern Regulatory State, ABA Administrative Law Fall Conference, Washington, DC, Nov. 2013
- Statutory Interpretation Showcase Panel, Federalist Society Annual Convention, Washington DC, Nov. 2013
- *Federalism's Domain*, University of Colorado Law School Rothberger Conference on Federalism, Boulder, CO, Nov. 2013
- *Statutory Interpretation from the Inside II*, selected paper, Conference on Empirical Legal Studies, Philadelphia, 2013
- "Ready to Launch: ObamaCare," Yale ISPS Health Conference, New Haven, CT, Sept.2013
- *Statutory Interpretation from the Inside II*, Temple Law School, Faculty Workshop, Philadelphia, PA, Sept. 2013
- "Health Reform, Federalism and Public Law," Health Law Professors 2013 Annual Conference, Newark, NJ, June 2013
- "The Role of Empirics in Theories and Doctrines of the Modern Regulatory State," Law and Society Conference, Boston, MA, June 2013
- *The Federal Common Law of Statutory Interpretation*, The Constitution and Unwritten Law Roundtable, Notre Dame Law School, South Bend, IN, Mar. 2013
- *Statutory Interpretation from the Inside I*, various law school workshops, 2013
- "The Bloomberg Administration's Legal Legacy," co-sponsored conference by New York City Bar Association and Fordham Law School; co-convener as outgoing chair of the NYC Bar Association's NYC Affairs Committee and moderator of Bloomberg's Health Law Legacies Panel, New York, NY, Nov. 2012
- Administrative Law Roundtable, Columbia Law School, New York, NY, Apr. 2012 (commentator)
- "The Health Reform Litigation," Greater New York Hospital Foundation, New York, NY, May 2012
- "The Health Reform Litigation," Columbia Business School, New York, NY, Apr. 11,2012
- "The Health Reform Litigation," New York State Health Board, New York, NY, Mar. 15, 2012
- *Statutory Interpretation Methodology as Federal Common Law*, William & Mary Law School "Law Without a Lawmaker" Symposium, Williamsburg, VA, Feb. 2012
- "A Conversation with Justice Ginsburg," Columbia Law School, New York, NY, Feb. 2012 (keynote interview, with Gillian Metzger, of Justice Ruth Bader Ginsburg)
- *Interpretive Tailoring*, Columbia Law School Faculty Workshop, New York, NY, Nov.2011
- *Intrastatutory Federalism*, various law school workshops, 2011
- *The States as Laboratories of Statutory Interpretation*, various law school workshops, 2010-2011
- *Intersystemic Statutory Interpretation*, various law school workshops, 2010-2011
- *Federalism in Federal Statutory Design*, introductory remarks and invited moderator, U. Texas at Austin Law School "Federalism and its Future" Conference, Austin, TX, Feb. 2011

- *The NYC Charter Revision Process*, Lecture before Kings County Democratic Party, Brooklyn, NY, Apr. 2010
- *40 Years of Clinical Teaching at Yale*, *Tribute to Francis X. Dineen*, Arthur Liman Conference, Yale Law School, New Haven, CT, Mar. 2009
- "State Attorneys General and Certiorari at the U.S. Supreme Court," National Association of Attorneys General Supreme Court Conference, Washington, DC, Dec. 2008
- "Attorneys General and Legal Issues Related to State Internet Safety Enforcement," Governor's Conference on Women, Atlantic City, NJ, Mar. 2008
- "Testimony on Legal Issues Related to New Jersey Voting Machines," NJ Legislature, Trenton, NJ, 2008
- "Local Government Practice before the U.S. Supreme Court," NYC Law Dept., New York, NY, Jan. 2006
- *Proposals to Amend the New York City Charter,* televised presentation to the 2005 New York City Charter Revision Commission, New York, NY
- *Structure of the New York City Charter*, televised presentation to the 2005 New York City Charter Revision Commission, New York, NY
- "Teaching Legislation," Faculty Workshop, Brooklyn Law School, Brooklyn, NY May 2003
- "The Law and Economics of Cemeteries," Yale Law School, Alternative Business Structures course, New Haven, CT, Apr. 2003

OTHER TEACHING EXPERIENCE

- *Guest Lecturer,* Yale Law School, course on Alternative Business Structures, 2003
- *Teaching Assistant in Civil Procedure*, Yale Law School, 1999
- *Student Director*, Yale Law School, Landlord Tenant Clinic 1998-2000

ADMINISTRATIVE AND SUPERVISORY EXPERIENCE

As detailed above in my employment experience:

- In New York City government, as Chief of Staff and Counsel to Deputy Mayor Linda Gibbs, I supervised the entire office's staff and coordinated the supervision of the approximately dozen agencies overseen by the Deputy Mayor. I also administered the process of several ongoing settlements, including the major *Brad H. v. City of New York* settlement, concerning discharge planning mental health services for the incarcerated.
- Also in New York City government, as Deputy General Counsel to the Charter Revision Commission, I had significant administrative responsibilities overseeing the work of the Commission.
- In New Jersey government, I had significant oversight responsibilities over four large divisions of the Attorney General's office, with more than 700 attorneys and staff, and oversaw office contacts with the National Association of Attorneys General, including decisions concerning joining of multistate litigation.
- In the White House, I coordinated the legal response to the Covid pandemic across the entire Administration. This position required me to innovate, coordinate and negotiate the work of lawyers and policymakers from more than a dozen agencies on a regular basis, run near constant meetings of same, and ensure that agreed upon policies were approved, executed publicized, implemented and legally defended. I worked with dozens of different lawyers and policymakers, as well as principal federal officials, across every area of the government, on a daily basis.
- At Yale Law School, I am the founding director of a Center with a multi-million-dollar budget; in that capacity, I hire and supervise staff, conduct fundraising, and oversee a broad range of legal,

scholarly, and policy projects.

- Also at Yale Law School, I am the founding faculty director of the Yale Medical-Legal Partnership, a major poverty law clinic with seven locations in New Haven, serving some 600 low-income clients a year.
- I also have chaired numerous, diverse policymaking and legal committees, in institutions ranging from Yale Law School, to the NYC Bar Association, to Association of American Law Schools, to the Uniform Law Commission.

BAR ADMISSIONS

- *State:* New York, New Jersey, Connecticut
- *Federal*: SDNY, Second Circuit

PERSONAL

- Born 1974, New York City.
- Lifelong member of Park Avenue Synagogue, New York City
-