

# FBA Northern District of Ohio Administrative Procedures Act Seminar

Thursday, October 5, 2023

Carl B. Stokes U.S. Court House  
801 West Superior Avenue, 7<sup>th</sup> Floor Auditorium, Cleveland OH

## CLE AGENDA

**8:30 Registration**

**9:10 Welcome**

**9:15 Emily S. Bremer  
History of APA**

Ms. Bremer will talk about how the APA's history and research foundation affect the statute's interpretation.

**10:15 Chris Walker  
Interpreting the APA**

Mr. Walker will go through the four main interpretive approaches -- and use rulemaking procedures as an example to illustrate those approaches -- and then dive a bit deeper into a few case studies: (1) nationwide injunctions; (2) major questions doctrine; and (3) Chevron deference.

**11:15-11:30 Break**

**11:30 Jonathan Adler  
Latest APA Rulings from the Bench**

Mr. Adler will talk about recent court opinions concerning the APA.

**12:30 Audience question and answer session**

*Audience members will be able to participate in a question and answer session with the speakers.*

**12:50 End of CLE**

**1:00 Lunch**

## Speaker Biographies



Emily Bremer is Professor of Law at Notre Dame Law School. She teaches and writes in the areas of administrative law, regulatory process, and civil procedure. Her scholarship focuses primarily on matters of procedural design, with a recent focus on the legal requirements and policy considerations that apply in administrative adjudication. Bremer serves as a Public Member of the Administrative Conference of the United States (ACUS), a small, free standing federal agency charged with improving government processes, procedures, and performance. She is a regular contributor to the Yale Journal on Regulation's Notice & Comment blog.

Bremer earned her B.A. in Politics, magna cum laude, from New York University and her J.D. from New York University School of Law, where she was the Executive Notes Editor of the NYU Journal of Law & Liberty and a student editor for the International Journal of Constitutional Law. After law school, she clerked for Hon. Andrew J. Kleinfeld on the U.S. Court of Appeals for the Ninth Circuit. She also practiced law as an associate in the telecommunications and appellate litigation group of Wiley Rein LLP in Washington, DC and served as the Research Chief of ACUS (after first joining the agency as an Attorney Advisor).



Christopher J. Walker is a Professor of Law at the University of Michigan. Prior to joining Michigan law faculty in 2022, he spent a decade teaching at The Ohio State University Moritz College of Law. He previously clerked for Justice Anthony Kennedy of the U.S. Supreme Court, worked on the Civil Appellate Staff at the U.S. Department of Justice, and served on the Senate Judiciary Committee staff for the Gorsuch Supreme Court confirmation. Professor Walker's research focuses on administrative law, regulation, and law and policy at the agency level. His

publications have appeared in the *California Law Review*, *Duke Law Journal*, *Georgetown Law Journal*, *Michigan Law Review*, *Stanford Law Review*, and *University of Pennsylvania Law Review*, among others. His book *Constraining Bureaucracy Beyond Judicial Review* is forthcoming with Cambridge University Press. Outside the law school, he chaired the American Bar Association's Section of Administrative Law and Regulatory Practice in 2020-21 and served as one of forty Public Members of the Administrative Conference of the United States from 2016-2022, and he continues to serve in both organizations in various capacities. He blogs regularly at the *Yale Journal on Regulation*.



Jonathan H. Adler is the inaugural Johan Verheij Memorial Professor of Law and the founding Director of the [Coleman P. Burke Center for Environmental Law](#) at the Case Western Reserve University School of Law, where he teaches courses in environmental, administrative and constitutional law.

Professor Adler is the author or editor of seven books, including [Marijuana Federalism: Uncle Sam and Mary Jane](#) (Brookings Institution Press, 2020), [Business and the Roberts Court](#) (Oxford University Press, 2016) and *Rebuilding the Ark: New Perspectives on Endangered Species Act Reform* (AEI Press, 2011).

His articles have appeared in publications ranging from the *Harvard Environmental Law Review* and *Yale Journal on Regulation* to the *Wall Street Journal*, and *New York Times*. He has testified before Congress a dozen times, and his work has been cited in the U.S. Supreme Court. A 2021 study identified Professor Adler as the fifth most cited legal academic in administrative and environmental law from 2016 to 2020.

Professor Adler is a contributing editor to National Review Online and a regular contributor to the popular legal blog, [The Volokh Conspiracy](#). A regular commentator on constitutional and regulatory issues, he has appeared on numerous radio and television programs, ranging from the PBS Newshour and National Public Radio to the Fox News Channel and Entertainment Tonight. Professor Adler is also a senior fellow at the Property & Environment Research Center in Bozeman, Montana.

In 2004, Professor Adler received the Paul M. Bator Award, given annually by the Federalist Society for Law and Policy Studies to an academic under 40 for excellence in teaching, scholarship, and commitment to students. In 2007, the Case Western Reserve University Law Alumni Association awarded Adler their annual "Distinguished Teacher Award." In 2018, Professor Adler was elected to membership of the American Law Institute.

Prior to joining the faculty at Case Western Reserve, Adler clerked for the Honorable David B. Sentelle on the U.S. Court of Appeals for the District of Columbia Circuit. From 1991 to 2000, Adler worked at the Competitive Enterprise Institute, a free market research and advocacy group in Washington, D.C., where he directed CEI's environmental studies program. He holds a BA magna cum laude from Yale University and a JD summa cum laude from the George Mason University School of Law.