

## Mary Elizabeth Magill

### Office:

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### Employment

Joseph Weintraub-Bank of America Distinguished Professor of Law, University of Virginia School of Law (2006-present); Horace W. Goldsmith Research Professor (May 2007-present)

John V. Ray Research Professor (May 2003-May 2006); Professor of Law (2003-present); Associate Professor (July 1997-July 2002)

Courses: Administrative Law, Constitutional Law, Food and Drug Law (with Richard Merrill); various advanced seminars in Constitutional Law and Administrative Law

Major Administrative Duties: Chair, Law School Dean Search Committee (2007-2008); regular member of faculty appointments committees; Acting Academic Associate Dean (Fall 2006)

Roscoe Pound Visiting Professor of Law, Harvard Law School (Spring 2009)

Fellow, Program in Law and Public Affairs, Princeton University (2005-2006)

Law Clerk, The Honorable Ruth Bader Ginsburg, Associate Justice, U.S. Supreme Court (1996 - 1997)

Law Clerk, The Honorable J. Harvie Wilkinson III, U.S. Court of Appeals for the Fourth Circuit (1995 - 1996)

Summer Associate, Covington & Burling, Washington, D.C. (Summer 1994)

Senior Legislative Assistant for Energy & Natural Resources, U.S. Senator Kent Conrad (1988-1992)

### Education

J.D., University of Virginia School of Law, May 1995  
B.A., Yale College, 1988 (History)

## Publications

### Articles:

*Standing for the Public: A Lost History*, forthcoming, \_\_\_ Virginia Law Review \_\_\_ (2009)

*Administrative Law in the 1930s and 1940s: Widening the Frame*, forthcoming, \_\_\_ Virginia Law Review \_\_\_ (2009) (commenting on A.C. Pritchard and Robert Thompson's *Securities Law and the New Deal Justices*)

*Temporary Accidents?*, 106 Michigan Law Review 1021 (2008) (reviewing Steven P. Croley, *REGULATION AND THE PUBLIC INTERESTS: THE POSSIBILITY OF GOOD REGULATORY GOVERNMENT*, Princeton University Press, 2007)

*The First Word*, 16 William & Mary Bill of Rights Journal 27 (2007)

*Can Process Cure Substance? A Response to Neal Katyal's 'Internal Separation of Powers,'* 116 Yale Law Journal Pocket Part 125 (2006)

<http://thepocketpart.org/2006/11/2/magill.html>

*Images of Representation*, Issues in Legal Scholarship, The Reformation of American Administrative Law (2005), Article 5. <http://www.bepress.com/ils/iss6/art5>

*The Revolution that Wasn't*, 99 Northwestern University Law Review 47-86 (2004)

*Agency Choice of Policymaking Form*, 71 University of Chicago Law Review 1383-1447 (2004)

Abbreviated version published in Administrative Law and Regulatory News, Section of Administrative Law and Regulatory Practice, American Bar Association (2004)

(With others) *A Blackletter Statement of Federal Administrative Law*, 54 Administrative Law Review 1 (2002)

*Beyond Powers and Branches in Separation of Powers Law*, 150 Pennsylvania Law Review 603-660 (2001)

*The Real Separation in Separation of Powers Law*, 86 Virginia Law Review 1127-98 (2000)

*Congressional Control Over Agency Rulemaking: The Nutrition Labeling and Education Act's Hammer Provisions*, 50 Food and Drug Law Journal 149 (1995)

### Book Chapters:

Step Two of *Chevron v. Natural Resources Defense Council*, in John Duffy & Michael Herz, eds., *JUDICIAL AND POLITICAL REVIEW OF AGENCY ACTION* (American

Bar Association, 2005)

*Judicial Review of Administrative Action* (with Mark Seidenfeld), in DEVELOPMENTS IN ADMINISTRATIVE LAW AND REGULATORY PRACTICE 2001-2002 (Jeff Lubbers, ed. 2002)

### **Works in Progress**

THE ADMINISTRATIVE STATE (with Steven Croley)

HEALTH, SAFETY, CONSUMERS, AND THE ENVIRONMENT: THE STRUCTURE OF A LEGAL REVOLUTION, 1966-1976

*Agency Self-Regulation*

### **Select Invited Presentations**

“Standing for the Public: A Lost History”  
Chicago-Kent College of Law, September 2008

“Administrative Law in the 1930s and 1940s: Widening the Frame”  
Conference on the Securities and Exchange Commission at 75, hosted by Virginia Law Review, UVA School of Law, September 2008 (commenting on “Securities Law and the New Deal Justices” by A.C. Pritchard and Robert Thompson)

“The First Word: Presidential Signing Statements”  
Conference on Signing Statements, William and Mary School of Law, February 2007

“Domestic Delegation and International Delegations”  
Conference on International Delegations, Duke University Law School, November 2006

“Health, Safety, Consumers, and the Environment: The Regulatory Revolution and American Law, 1966-1976”  
Modern America Workshop and Law and Public Affairs Workshop, Princeton University, April 2006; Mathey College Fellows Luncheon (February 2006)

“Understanding the New Administrative Law”  
Vanderbilt University Law School, Conference on the Historical Foundations of the Administrative State, September 2007; Georgetown University Law Center, December 2006; University of Virginia School of Law, April 2006

“60<sup>th</sup> Anniversary of the Administrative Procedure Act: Where do We Go From Here?”  
Testimony before the Subcommittee on Commercial and Administrative Law, Judiciary Committee. U.S. House of Representatives, July 2006

- “A Statistical Picture of the Administrative State” (with Steven Croley)  
Administrative Law Section, AALS, January 2006
- “Raich v. Ashcroft: States Rights and Medical Marijuana”  
Conference on The Supreme Court, Princeton University, May 2005
- “Agency Self-Regulation”  
Pennsylvania Law School, June 200; Winter Faculty Retreat, University of Virginia School of Law, January 2005; University of Colorado Law School, February 2005; University of Michigan Law School, March 2005
- “Legal Argument without Law: The Cheney Energy Task Force Cases”  
Panelist, “Advisory Committees, Confidentiality, and the Constitution,”  
Administrative Law and Regulatory Practice Section of the American Bar Association (Fall 2004)
- “The Revolution that Wasn’t” (Separation of Powers in the Rehnquist Court)  
Summer Workshop Series, University of Virginia School of Law, July 2004;  
Conference on the Rehnquist Court, Northwestern University Law School, April 2004
- “Agency Choice of Policymaking Form”  
Faculty Workshop Series, University of North Carolina Law School, November 2002; Faculty Workshop Series, Notre Dame Law School, November 2001; Summer Workshop Series, University of Virginia School of Law, August 2001
- “Rethinking Separation of Powers”  
University of Michigan Legal Theory Workshop, November 2000;  
Georgetown University Law Center Faculty Research Workshop, November 2000; Virginia Constitutional Theory Conference, September 2000
- “The Elusive Justification for the *Chevron* Doctrine”  
Speech to Annual Meeting of the National Association of Administrative Law Judges, September 2000
- “Analysis of Step Two of *Chevron*”  
Paper Presentation to Administrative & Regulatory Practice Section of the American Bar Association, July 2000

### **Select Law School Administrative Duties**

- Dean Search Committee, Chair (2007-2008)  
Acting Academic Associate Dean, Fall 2006  
Faculty Appointments Committees  
(Served on Entry-Level Committee on 5 occasions, including as chair; Lateral and Promotions Committee, 2006-2007, 2008-2009)  
Graduation Writing Awards Committee (Chair, member, 2005-present)

Jefferson Medal Committee (2003-present)

### **Professional Memberships, Service, and Publications**

American Bar Association, Administrative Law & Regulatory Practice Section  
Associate Reporter, Administrative Procedure Act Project

American Association of Law Schools, Administrative Law Section  
Executive Committee Member (2006-present)

Maryland Bar (Admitted, 1997)

### **Awards and Fellowships**

**Recipient**, 2005 Annual Award for Administrative Law Scholarship given by the Section on Administrative Law and Regulatory Practice, American Bar Association (recognizing *Agency Choice of Policymaking Form*, 71 U. Chi. L. Rev. 1383 (2004))

**Fellow**, Princeton University Program in Law and Public Affairs (2005-2006)

### **Law School**

Articles Development Editor, *Virginia Law Review*

Jackson & Walker Award for Academic Achievement  
(highest GPA at the end of second year)

Margaret G. Hyde Award  
(awarded by faculty at graduation to outstanding graduate)

Mary Claiborne and Roy H. Ritter Scholarship

Food and Drug Law Institute Scholarship

Order of the Coif

Raven Society

### **Other Honors**

1986 Harry S. Truman Memorial Scholar  
Chair, Yale College Council (1986-87)