

DAVID L. NOLL

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ACADEMIC APPOINTMENTS

Rutgers Law School, Newark NJ

Professor of Law, July 2019–

Associate Dean for Faculty Research & Development, July 2021–July 2024

Associate Professor of Law, July 2016–June 2019

Assistant Professor of Law, July 2013–June 2016

Courses: Advanced Civil Procedure, Civil Procedure, Complex Litigation, Legislation & Regulation,
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 NATION: HOW STATE-SPONSORED TERROR THREATENS OUR DEMOCRACY (2024) (with
Jon D. Michaels)

LEGISLATION & THE REGULATORY STATE (4th ed. forthcoming 2026) (with Samuel Estreicher)

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

Who Leads Mass Litigation?: Evidence from MDL, 140 HARV. L. REV. (forthcoming 2026) (with Othman Bensouda Koraichi et al.)

Civil Contempt Against a Defiant Executive, LAWFARE RESEARCH REPORT 25-4 (2025)

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)

Blue State Exodus?, 2023 PEPP. L. REV. 58 (2023)

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

If the Marshals Go Rogue, Courts Have Other Ways to Enforce their Orders, DEMOCRACY DOCKET, Mar. 14, 2025,

Trump's Mass Deportation Plan Has One Major Vulnerability, SLATE, Dec. 3, 2024 (with Anjum Gupta)

The Political Violence Spilling Out of Red States, AMERICAN PROSPECT, Oct. 10, 2024 (with Jon D. Michaels)

Jan. 6 Was Just a Start. Vigilantes Are Expanding, and Legalizing, Their Attacks, L.A. TIMES, Oct. 8, 2024 (with Jon D. Michaels)

The Local Version of Project 2025 Is Already Causing Devastation, SLATE, Aug. 26, 2024 (with Jon D. Michaels)

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)

PRESENTATIONS (SELECTED)

Civil Process and the Rule of Law, The Role of Law Schools in Advancing the Rule of Law, Osgoode Hall, Nov. 8, 2025

Decisionmaking on Agency Statutory Interpretation Post-Loper Bright, Remarks at a Dinner for the Judges of the U.S. Court of Appeals for the Second Circuit, N.Y.U. School of Law. Sept. 25, 2025

Vigilante Nation

The Enemies List with Rick Wilson, Sept. 18, 2024

Legal Sidebar Podcast, Oct. 1, 2024

New Books in Political Science, Oct. 3, 2024

McNally Jackson, Oct. 14, 2024

Sorry Not Sorry, Oct. 14, 2024

Future Hindsight, Aug. 14, 2024

The Strategy Session, Nov. 26, 2024

Introduction to Statutory Interpretation, NYU Institute for Judicial Administration New Appellate Judges Seminar, July 15, 2025 (with Hon. Steven Menashi & Hon. Roy McLeese III)

MDL Case Management Convening, Stanford Law School, Mar. 7, 2025

Will the National Labor Relations Act Be Held Unconstitutional, NYU Center for Labor and Employment Law, Nov. 14, 2024

Panel Discussion on State Divergence & Aggression, American Prospect, Nov. 20, 2024

The Role of Special Masters and Other New Neutrals in Complex Litigation, New Jersey Association for Justice, Apr. 18, 2024

Opening Remarks, *Rutgers Law Review* Symposium on Global Democratic Decay & the Rule of Law, Apr. 12, 2024

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

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

LAW SCHOOL & UNIVERSITY SERVICE

Chair, Newark Promotion & Tenure Committee, 2025–26
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; Judge Edward Weinfeld Prize; 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*