

MICHAEL DAVID SANT'AMBROGIO

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ACADEMIC APPOINTMENTS

MICHIGAN STATE UNIVERSITY COLLEGE OF LAW, East Lansing, MI

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|---|---------------------|
| <i>Interim Dean</i> | as of Jan. 8, 2024 |
| <i>Interim Dean Designee</i> | as of Oct. 30, 2023 |
| <i>Senior Associate Dean for Faculty & Academic Affairs</i> | 2022 - Present |
| <i>Professor of Law</i> | 2017 - Present |
| <i>Associate Dean for Research</i> | 2016 - 2022 |
| <i>Associate Professor</i> | 2014 - 2017 |
| <i>Assistant Professor</i> | 2011 - 2014 |

Courses: Administrative Law, Civil Procedure, Advanced Topics and Skills in Civil Procedure, Constitutional Law, The Regulatory State, and Supreme Court Seminar

Selected Faculty Service: Faculty Appointments Committee (Chair, 2019-2020; Member, 2019-2022); Retention, Promotion, & Tenure Committee (2017-2019) (elected by faculty); Dean Search Committee (2015-2016) (selected by Provost); Faculty Advisory Council (2013-2015) (elected by faculty); Selection Committee, MSU Pride Scholarship (2012-2013)

Selected Prof'l Service: Academic Consultant to ADMINISTRATIVE CONFERENCE OF THE UNITED STATES (ACUS): "Public Participation in Agency Adjudication" Project (2023-2024); Council on Federal Agency Adjudication (2020-present), "Public Engagement in Rulemaking" Project (2017-2018), and "Aggregate Agency Adjudication" Project (2015-2016); Editor, *Recent Articles of Interest*, ADMIN. & REG. LAW NEWS (2016-Present); Administrative Law New Scholarship Roundtable (Co-Founder, 2016; Selection Committee, 2016-Present)

UNIVERSITY OF MICHIGAN LAW SCHOOL, Ann Arbor, MI

Visiting Professor of Law Winter 2021

Courses: Federal Courts

NEW YORK UNIVERSITY SCHOOL OF LAW, New York, NY

Associate Director, Lawyering Program 2010 - 2011

Acting Assistant Professor of Lawyering 2008 - 2011

SELECTED SCHOLARSHIP

Collective Decision-making and Administrative Justice (w/Adam Zimmerman), in MARC HERTOUGH ET AL., EDS., THE OXFORD HANDBOOK OF ADMINISTRATIVE JUSTICE (2022)

Trading Up: Is Section 337 the new ATS?, 107 IOWA L. REV. 1159 (2022) (w/Sean Pager)

Democratizing Rule Development, 98 WASH. U.L. REV. 793 (2021) (w/Glen Staszewski)
<https://ssrn.com/abstract=3615896>

Presidential Maladministration, 46 OH. N.L. REV. 459 (2020) (Symposium)

Private Enforcement in Administrative Courts, 72 VAND. L. REV. 425 (2019), available at
<https://ssrn.com/abstract=3246738>

Reviewed in Kent Barnett, *Towards Optimal Enforcement*, 72 VAND. L. REV. EN BANC 127 (2019)

Inside the Agency Class Action, 126 YALE L.J. 1634 (2017) (w/Adam Zimmerman), available at
<http://ssrn.com/abstract=2827187>

- Legislative Exhaustion*, 58 WM. & MARY L. REV. 1253 (2017), available at <http://ssrn.com/abstract=2730897>
Reviewed in Heather Elliott, *Standing, Politics, and Exhaustion: A Response to Legislative Exhaustion*, 58 WM. & MARY L. REV. ONLINE 65 (2017).
- Standing in the Shadow of Popular Sovereignty*, 95 B.U. L. REV. 1869 (2015), available at <http://ssrn.com/abstract=2592059>
- The Extra-Legislative Veto*, 102 GEO. L.J. 351 (2014), available at <http://ssrn.com/abstract=2200531>
- The Agency Class Action*, 112 COLUM. L. REV. 1992 (2012) (w/Adam Zimmerman), available at <http://ssrn.com/abstract=1997421>
Selected for the 2012 HARVARD-STANFORD-YALE JUNIOR FACULTY FORUM
Reviewed in Sergio J. Campos, *Class Actions All the Way Down*, COLUMBIA LAW REVIEW SIDEBAR, vol. 113, 2013.
- Agency Delays: How a Principal-Agent Approach Can Inform Judicial and Executive Branch Review of Agency Foot-Dragging*, 79 GEO. WASH. L. REV. 1381 (2011), available at <http://ssrn.com/abstract=1855066>
- The Long Road to Marriage Equality*, 33 U. HAW. L. REV. 705 (2011) (w/Sylvia Law), available at <http://ssrn.com/abstract=1855065>
Invited submission to symposium on the Hawai'i Supreme Court.

EDUCATION

NEW YORK UNIVERSITY SCHOOL OF LAW, New York, NY

J.D. *cum laude*, 2001

Honors: Root-Tilden-Kern Public Service Scholar
Robert McKay Scholar

NEW YORK UNIVERSITY GRADUATE SCHOOL OF ARTS AND SCIENCES, New York, NY

M.A. *cum laude* in American History, 1998

COLUMBIA COLLEGE, COLUMBIA UNIVERSITY, New York, NY

B.A. *cum laude* in History, 1992

OTHER PUBLICATIONS, REPORTS, AND AMICUS BRIEFS

- PUBLIC PARTICIPATION IN AGENCY ADJUDICATION, Report and Recommendations to the Administrative Conference of the United States (work in progress)
Parties and Interested Persons, in AMERICAN BAR ASSOCIATION, GUIDE TO FEDERAL AGENCY ADJUDICATION (3rd ed.) (forthcoming)
- Public Engagement in Rulemaking*, Essay w/Glen Staszewski, REGULATORY REVIEW (June 3, 2019)
- Private Enforcement in Administrative Courts*, ADMIN. & REG. L. NEWS (Spring 2019).
- PUBLIC ENGAGEMENT IN RULEMAKING, Final Report and Recommendations to the Administrative Conference of the United States, November 19, 2018 (w/Glen Staszewski)
- “Brief of Professors Sant’Ambrogio and Zimmerman as Amicus Curiae in Support of Complainants,” filed in *In re Vehicle Carrier Services*, Nos. 16-01, 16-07, 16-10, and 16-11 (Federal Maritime Commission August 7, 2018)
- “Brief of Professors Sant’Ambrogio and Zimmerman as Amicus Curiae in Support of Plaintiffs’ Second Renewed Motion for Summary Judgment,” filed in *Bauer v. Devos*, Civ. No. 17-1330 (D.D.C. May 10, 2018)
- “Amicus Brief of Administrative Law, Civil Procedure, and Federal Courts Professors,” filed in *Monk v. Shulkin*, No. 15-1280 (U.S. Court of Appeals for Veterans Claims, February 8, 2018)

“Brief of Professors Sant'Ambrogio and Zimmerman as Amicus Curiae in Support of Plaintiffs' Motion for Summary Judgment,” filed in *Bauer v. Devos*, Civ. No. 17-1330 (D.D.C. Dec. 15, 2018)

“Amicus Brief of Administrative Law, Civil Procedure, and Federal Courts Law Professors,” filed in *Roskinski v. Shulkin*, Vet. App. No. 17-1118 (U.S. Court of Appeals for Veterans Claims, Aug. 10, 2017)

Inside the Agency Class Action, Essay w/Adam Zimmerman, ADMIN. & REG. L. NEWS (Fall 2016)

[Inside Agency Class Actions](#), Op-Ed w/Adam Zimmerman, REG BLOG (Nov. 7, 2016)

[Should the Education Department Hear Class Actions When Colleges Collapse?](#), Op-Ed w/Adam Zimmerman, REG BLOG (Oct. 10, 2016)

[Public Comments](#) (w/Adam Zimmerman) Submitted to Department of Education Concerning Proposed Group Process for Borrower Defense Claims (August 1, 2016)

[AGGREGATE AGENCY ADJUDICATION](#) (w/Adam Zimmerman): Final Report and Recommendations to the Administrative Conference of the United States on the use of aggregation by federal agencies in adjudicatory proceedings, June 9, 2016

Recommendations adopted in 81 Fed. Reg. 40,259 (June 21, 2016)

“[Amicus Brief](#) of 15 Administrative Law, Civil Procedure, and Federal Courts Professors in Support of Appellant,” filed in *Monk v. McDonald*, No. 15-7092 (Federal Circuit Court of Appeals, Nov. 9, 2015)

Cited in Sara Randazzo, *Veterans Gain Support in Fight to Bring Class*, THE WALL STREET JOURNAL (Dec. 30, 2015)

“Brief of Amicus Curiae Complex Litigation Law Professors in Support of Respondents,” filed in *Tyson Foods, Inc. v. Bouaphakeo*, No. 14-1146 (U.S. Supreme Court, Sept. 29, 2015)

Cited by Supreme Court in *Tyson Foods, Inc. v. Bouaphakeo*, 136 S. Ct. 1036, 1046 (2016)

Legal Services for New York City, NYSBA COMMERCIAL AND FEDERAL LITIGATION SECTION NEWSLETTER, Winter 2007, at 13.

Handling Immigration Appeals Pro Bono in the Second Circuit, NYSBA COMMERCIAL AND FEDERAL LITIGATION SECTION NEWSLETTER, Summer/Fall 2007, at 18.

Helping New Yorkers in Need, NYSBA COMMERCIAL AND FEDERAL LITIGATION SECTION NEWSLETTER, Spring 2007, at 5.

NEW YORK STATE BAR ASSOCIATION COMMERCIAL AND FEDERAL LITIGATION SECTION REPORT ON PROPOSED NEW YORK RULE OF PROFESSIONAL CONDUCT 6.1 (Dec. 18, 2006) (w/Robert Becker)

NEW YORK STATE BAR ASSOCIATION COMMERCIAL AND FEDERAL LITIGATION SECTION REPORT ON REENTRY AND REINTEGRATION (Sept. 6, 2006) (prepared w/ Robert Becker)

SELECTED PRESENTATIONS

ABA Associate Deans Conference, *ABA Site Visits and Crisis Management*, July 2023

ABA Administrative Law Conference, *Improving Public Engagement in Agency Rulemaking*, December 2022

Duke Law School, 50th Annual Administrative Law Symposium, *Designing Rules & Adjudicators for the New Landscape*, *Collective Decision-making and Agency Adjudication*, February 2020

King's College London, *Administrative Justice: An International Workshop*, *Collective Decision-making and Administrative Justice*, August 2019

Administrative Law New Scholarship Roundtable, *Democratizing Rule Development*, June 2019

UCLA Law School, *Adjudication and Extraterritoriality*, November 2018

Vanderbilt Law School, *Private Enforcement in Administrative Courts*, October 2018
Administrative Law New Scholarship Roundtable, *Public Engagement with Agency Rulemaking*, June 2018
Law & Society Association Conference, *Public Engagement with Agency Rulemaking*, June 2018
Aggregate Litigation Outside of Article III: Presentation to the U.S. Court of Appeals for Veterans Claims, Judicial Advisory Committee, July 2017
Administrative Law New Scholarship Roundtable, *Private Enforcement in Administrative Courts*, June 2017
Chapman University, *Theories of Agency Adjudication*, February 2017
Yale Law School, *Inside the Agency Class Action*, November 2016
Florida International University College of Law, *Inside the Agency Class Action*, October 2016
Administrative Law New Scholarship Roundtable, *Inside the Agency Class Action*, June 2016
AALS, New Voices in Administrative Law, *Legislative Exhaustion*, January 2016
MSU Junior Faculty Workshop, *Legislative Exhaustion*, November 2015
Marquette University Law School Junior Faculty Works-in-Progress Workshop, *Legislative Exhaustion*, September 2015
Law & Society Association Conference, *Standing in the Shadow of Popular Sovereignty*, June 2015
American University Washington College of Law, *Standing in the Shadow of Popular Sovereignty*, February 2015
Pace University Law School, *Standing in the Shadow of Popular Sovereignty*, January 2015
Federal Courts Junior Faculty Workshop, University of Georgia, *Standing in the Shadow of Popular Sovereignty*, October 2014
University of Tennessee School of Law, *The Death of Legislative Standing?*, January 2014
MSU Junior Faculty Workshop, *Political Standing*, November 2013
Law & Society Association Conference, *The Extra-Legislative Veto*, June 2013
MSU Triangle Bar Association Panel Presentation, *The Marriage Cases*, April 2013
NYU Lawyering Scholarship Colloquium, *The Extra-Legislative Veto*, February 2013
American University Washington College of Law, *The Extra-Legislative Veto*, January 2013
MSU Junior Faculty Colloquium, *The Extra-Legislative Veto*, November 2012
Columbia Law Review Author's Talk, *The Agency Class Action*, September 2012
Big 10 Untenured Law Faculty Conference, *The Extra-Legislative Veto*, August 2012
Harvard-Stanford-Yale Junior Faculty Forum, *The Agency Class Action*, June 2012
Case Western University School of Law, *The Agency Class Action*, December 2011
MSU Junior Faculty Colloquium, *The Agency Class Action*, October 2011
NYU Lawyering Scholarship Colloquium, *The Agency Class Action*, July 2011
Law & Society Association Conference, *The Agency Class Action*, June 2011
University of Hawai'i Law Review Symposium, *Same-Sex Marriage and the Backlash*, March 2011

SELECTED MEDIA INTERVIEWS

Expert Interviewed in Katie Reilly, *The Courts Are Probably Going to Kill Biden's Student Loan Forgiveness Plan*, TIME, Nov. 16, 2022, available at <https://time.com/6234498/why-student-loan-forgiveness-blocked/>

Expert on sanctuary cities and federal funding, WLNS Evening News, April 4, 2017, *available at* <http://wlns.com/2017/04/04/community-reacts-to-lansing-becoming-sanctuary-city/>

Expert on same-sex marriage litigation, WKAR, Current State, Nov. 7, 2014, *available at* <http://wkar.org/post/same-sex-marriage-ban-upheld-whats-next>

Expert on same-sex marriage litigation, WILX T.V. News 10, Feb. 24, 2014, *available at* <http://www.wilx.com/topstories/headlines/Michigans-Gay-Marriage-Ban-Heads-to-Trial-Tuesday-246993881.html>

Expert on Supreme Court's 2012-2013 Term, *IMPACT Exposure*, WDBM-FM 89, Michigan State University, July 2, 2013, *available at* <http://www.law.msu.edu/marriage/impact070213.mp3>

Expert on same-sex marriage litigation, *IMPACT Exposure*, WDBM-FM 89, Michigan State University, April 2, 2013, *available at* <http://www.impact89fm.org/2013/04/02/exposure-4213/>

Expert on same-sex marriage litigation, *In the Life Media: Backlash or Evolution?* PBS, April 2011, *available at* <http://www.itlmedia.org/episodes/entry/backlash-or-evolution-april-2011>

SELECTED LEGAL PRACTICE EXPERIENCE

NEW YORK LEGAL ASSISTANCE GROUP, New York, NY
Staff Attorney, Special Litigation Unit 2007 - 2008

Represented plaintiffs in class action impact litigation addressing systemic problems with immigration, public benefits, civil rights, and administrative procedures.

PATTERSON BELKNAP WEBB & TYLER LLP, New York, NY
Associate 2003 - 2007
Law Clerk Summer 2000

Represented individual and corporate clients in commercial litigation and federal civil trials.

THE HONORABLE STEVEN H. LEVINSON, SUPREME COURT OF HAWAII 2001 - 2003
Law Clerk

UNITED STATES DEPARTMENT OF JUSTICE, CIVIL RIGHTS DIVISION, Washington, DC
Employment Litigation Section Summer 1999

SELECTED NON-LEGAL EXPERIENCE

LOWER EAST SIDE TENEMENT MUSEUM, New York, NY
Director of Programs 1997 - 1998
Program Coordinator 1996 - 1997
Project Director 1995 - 1996

Head of museum's programs interpreting history of immigration, housing, and the Progressive Movement; collaborated with scholars, artists, community groups, and sister institutions; supervised program staff; fund-raised and supervised administration of public and private grants.

AMERICAN HISTORY WORKSHOP, New York, NY
Junior Historian 1992 - 1994

Assisted non-profit and government institutions with development of museum master plans, public history programs, and government and civics educational curricula.

PROFESSIONAL ACTIVITIES AND HONORS

NEW YORK STATE BAR ASSOCIATION

Special Committee on LGBT People and the Law

Member

2010 - 2012

Commercial and Federal Litigation Section

Co-Chair, Pro Bono Committee

2006 - 2010

Secretary, Commercial and Federal Litigation Section

2005 - 2006

MFY LEGAL SERVICES, INC. PARTNER IN JUSTICE AWARD

Recipient

2008

NEW YORK STATE BAR ASSOCIATION'S OUTSTANDING YOUNG LAWYER AWARD

Nominee

2005

BAR ADMISSIONS

New York (2003), California (2006), Hawai'i (2007)