

Nicholas R. Bednar

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Department of Political Science
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EDUCATION

Vanderbilt University	Nashville, TN
Ph.D., Political Science	Expected 2023
M.A., Political Science	Dec. 2021
University of Minnesota Law School	Minneapolis, MN
J.D., <i>Magna Cum Laude</i> , Order of the Coif	May 2016
University of Minnesota – Twin Cities	Minneapolis, MN
B.A., Political Science and History, <i>with Distinction</i>	Dec. 2012
University College Cork	Cork, Ireland
Certificate in Irish Politics	May 2012

MAINTAINING THE AMERICAN STATE (DISSERTATION BOOK PROJECT)

Committee: David E. Lewis (Chair, Vanderbilt University), Brenton Kenkel (Vanderbilt University), Gillian Metzger (Columbia University Law School), Rachel Potter (University of Virginia), Guillermo Toral (IE University Madrid), and Sharece Thrower (Vanderbilt University).

This book-style dissertation explains why presidents and Congress neglect certain agencies within the American administrative state and, in some cases, take actions that deplete capacity within these agencies. The project conceptualizes “bureaucratic capacity” as a set of resources that agencies need to perform specific tasks delegated to them by Congress. Using a formal model, it theorizes that presidents and members of Congress only build capacity in an agency when necessary to promote their policy interests or resolve government failures that affect their constituents. The project tests this theory with surveys of federal executives, qualitative interviews with elected officials and civil servants, observational data, and case studies.

RESEARCH AND TEACHING INTERESTS

Administrative Law and Executive-Branch Politics, Immigration Law, Law and Social Science, Public Administration, Statutory Interpretation, Legislation, Regulated Industries, Quantitative Methods, Constitutional Law, Torts, and Contracts.

PUBLICATIONS

“What to Do About *Chevron*—Nothing.” *Vanderbilt Law Review En Banc* 72: 151–176 (2019).

— Invited response to Kent Barnett, Christina L. Boyd, and Christopher J. Walker.
“Administrative Law’s Political Dynamics.” *Vanderbilt Law Review* 71: 1463 (2018).

“Justifying Delay: Why Agencies Delay Compliance Dates and How They Do It.” *Journal of Regulatory Compliance* 4: 1–33 (2019).

— Invited contribution to the 2018 *Journal of Regulatory Compliance* Symposium.

- “The Winter of Discontent: A Circumscribed *Chevron*.” *Mitchell Hamline Law Review* 45: 393–423 (2019).
— Invited contribution to separation-of-powers issue.
- “*Chevron’s Inevitability*.” *George Washington Law Review* 85: 1392-1461 (2017) (with Kristin E. Hickman).
— Reviewed by Adrian Vermeule, “*Chevron as a Legal Framework*,” *JOTWELL* (Oct. 24, 2017).
- “The Clear-Statement *Chevron* Canon.” *DePaul Law Review* 66: 819-872 (2017).
- “Deferring to the Rule of Law: A Comparative Look at United States Deference Doctrines.” *University of Memphis Law Review* 47: 1047-1083 (2017) (with Barbara Marchevsky).
— Invited contribution to the 2017 *University of Memphis Law Review* Symposium.
- “Asylum’s Interpretative Impasse: Interpreting ‘Persecution’ and ‘Particular Social Group’ Using International Human Rights Law.” *Minnesota Journal of International Law* 26: 145-187 (2017) (with Margaret Penland).
- “Social Group Semantics: The Evidentiary Requirements of ‘Particularity’ and ‘Social Distinction’ in Pro Se Asylum Adjudications.” *Minnesota Law Review* 100: 355-403 (2015).
— Recipient of the Volume 35/36 Note and Comment Award.

OTHER PUBLICATIONS

- “Coping with *Chevron*: Justice Gorsuch’s Majority and Justice Breyer’s Dissent in *SAS Institute*.” *Yale Journal on Regulation: Notice & Comment* (2018).
- “DACA on the Docket.” *Minnesota Law Review De Novo* (2017).
- “Defying *Auer* Deference: *Skidmore* as a Solution to Conservative Concerns in *Perez v. Mortgage Bankers Association*.” *Minnesota Law Review De Novo* (2015).

CURRENT RESEARCH AND WORKING PAPERS

- “The Public Administration of Justice: Capacity in the Immigration Courts.” (Job Talk Paper).
- “Presidential Investments in the Administrative State” (with David E. Lewis) (Revise and Resubmit – *American Political Science Review*).
- “Bureaucratic Capacity in the Administrative Presidency” (Under Review).
— Recipient of the 2021 Vanderbilt Political Science Best Graduate Student Paper Award.
- “The Workforce Capacity of the United States Bureaucracy, 1998-2020” (Under Review).
- “Policy Implementation and the Judiciary,” in *The Handbook of Policy Implementation* (with Sharece Thrower and Paul Gardner).
- “Agency Policymaking Among Appointees, Actings, and Vacancies” (with Chris Piper).
- “Presidential Regulatory Priorities” (with Sharece Thrower and Chris Piper).

SELECTED GRANTS, HONORS, AND AWARDS

Inaugural Dissertation Research Grant Russell Sage Foundation	July 2022
2021 Vanderbilt Political Science Best Graduate Student Paper Award – \$150 Vanderbilt University	Nov. 2021
J. Leiper Freeman Memorial Award – \$850 Vanderbilt University	June 2020
Lockhart Award for Excellence in Scholarship, Leadership, and Service – \$1500 University of Minnesota Law School (Faculty Selected)	May 2016
Student Service Award Minnesota Justice Foundation	May 2016
Volume 35/36 Note and Comment Award – \$1200 Minnesota Law Review	Mar. 2015
Human Rights Center Fellowship – \$5000 University of Minnesota Human Rights Center	May 2014

SELECTED PRESENTATIONS

“The Public Administration of Justice” 2022 Administrative Law New Scholarship Roundtable	June 2022
“Presidential Investment in the Administrative State” 2022 Midwest Political Science Association	Apr. 2022
“Administrative Policymaking Among Vacancies and Actings” 2022 Midwest Political Science Association	Apr. 2022
“Bureaucratic Capacity in the Administrative Presidency” 2022 Southern Political Science Association	Jan. 2022
“Presidential Investment in the Administrative State” 2022 Southern Political Science Association	Jan. 2022
“Bureaucratic Resilience and Capacity.” Center for the Study of Democratic Institutions Vanderbilt University	Apr. 2021
“ <i>Chevron</i> and the Department of Justice.” 2021 Annual <i>Duke Law Review</i> Symposium	Feb. 2021
“Does Insulation Matter?: Agency Rulemaking During Presidential Transitions.” 2020 Southern Political Science Association Meeting	Jan. 2020
“Justifying Delay.” 2018 <i>Journal of Regulatory Compliance</i> Symposium	Feb. 2018

TEACHING EXPERIENCE

Public Policy (Undergraduate Students) Teaching Assistant/Guest Lecturer	Vanderbilt University Spring 2022
Game Theory (Undergraduate and Graduate Students) Teaching Assistant (Graduate Students) Grader	Vanderbilt University Fall 2021 Fall 2019
Statistics II (Graduate Students) Recitation Instructor/Teaching Assistant	Vanderbilt University Spring 2021
Statistics I (Graduate Students) Recitation Instructor/Teaching Assistant	Vanderbilt University Fall 2020
Vanderbilt Math Camp (Graduate Students) Instructor	Vanderbilt University Fall 2021, Fall 2020
Administrative Law (Law Students) Teaching Assistant	Online Summer 2016

RESEARCH ASSISTANT POSITIONS

David E. Lewis, Vanderbilt University Research: Presidency and Bureaucracy	Nashville, TN Since 2018
Sharece Thrower, Vanderbilt University Research: Federal Courts, Bureaucracy, and Machine Learning	Nashville, TN Since 2018
Neal Devins, William and Mary Law School Research: Bureaucracy and Quantitative Methods	Williamsburg, VA June 2019 – Dec. 2021
Brad Smith, Vanderbilt University Research: Statutory Interpretation and Formal Models	Nashville, TN Summer 2019
Kristin E. Hickman, University of Minnesota Law School Research: Administrative Law and Bureaucracy	Nashville, TN August 2014 – July 2016
Robert Stein, University of Minnesota Law School Research: Statutory Interpretation and Supreme Court History	Nashville, TN June 2015 – May 2016
Steve Meili, University of Minnesota Law School Research: Immigration and International Human Rights	Nashville, TN August 2014 – May 2016

RESEARCH AFFILIATIONS

Georgetown University – Department of Government Affiliate Researcher	Washington, D.C. Since 2021
Center for the Study of Democratic Institutions Affiliate Researcher	Nashville, TN Since 2019

PROFESSIONAL AND UNIVERSITY SERVICE

University Service:

Graduate Student Council (Vanderbilt University): Symposium Coordinator.
Asylum Law Project (Minnesota Law School): Senior Adviser (2014); Treasurer (2013).

Conference Organization:

2022 The Evolving Executive Conference.
2021 Vanderbilt Graduate Idea Symposium.
2015 *Minnesota Law Review* Symposium.

Journal Editor:

Minnesota Law Review: Lead Articles Editor (Vol. 100); Staff Member (Vol. 99).

Journal Referee:

Presidential Studies Quarterly.

Professional Memberships:

American Bar Association; American Political Science Association; Midwest Political Science Association; Southern Political Science Association.

PROFESSIONAL EXPERIENCE

Chief Judge John R. Tunheim, U.S. District Court Judicial Law Clerk	Minneapolis, MN Aug. 2017 – Aug. 2018
Judge Tracy M. Smith, Minnesota Court of Appeals Judicial Law Clerk	St. Paul, MN Aug. 2016 – Aug. 2017
Myers Thompson P.A. Summer Associate	Minneapolis, MN May 2015 – Aug. 2015
Immigration & Human Rights Clinic Certified Student Attorney	Minneapolis, MN Sept. 2014 – May 2015
Advocates for Human Rights Refugee and Immigrant Program Law Clerk	Minneapolis, MN June 2014 – Aug. 2014

BAR ADMISSIONS

State of Minnesota

U.S. District Court for the District of Minnesota