

Nicholas R. Bednar

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Ph.D. Candidate
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Vanderbilt University
Department of Political Science

EDUCATION

Vanderbilt University	
Ph.D., Political Science	Expected 2023
M.A., Political Science	Dec. 2021
University of Minnesota Law School	
J.D., <i>Magna Cum Laude</i> , Order of the Coif	May 2016
<i>Minnesota Law Review</i> : Lead Articles Editor.	
<i>Asylum Law Project</i> : Senior Adviser; Treasurer.	
<i>Lockhart Award for Excellence in Scholarship, Leadership, and Service</i> : Awarded to one graduating student.	
<i>Clinic</i> : Immigration & Human Rights Clinic.	
University of Minnesota – Twin Cities	
B.A., Political Science and History, <i>with Distinction</i>	Dec. 2012
University College Cork	
Certificate in Irish Politics	May 2012

MAINTAINING THE AMERICAN STATE (DISSERTATION BOOK PROJECT)

Committee

David E. Lewis, Vanderbilt University
Gillian Metzger, Columbia Law School
Guillermo Toral, IE University Madrid

Brenton Kenkel, Vanderbilt University
Rachel Potter, University of Virginia
Sharece Thrower, Vanderbilt University

Administrative law and political science have long focused on the mechanisms that presidents and Congress use to control the administrative state. Whether these elected officials provide the administrative state with sufficient capacity to carry out their missions is equally important but understudied. This book project uses formal models, qualitative interviews, surveys, and observational data to explain why presidents and Congress regularly build capacity in some agencies and neglect others. It also provides insights into when elected officials intentionally deconstruct bureaucratic capacity.

RESEARCH AND TEACHING INTERESTS

Primary: Administrative Law, Legislation and Regulation, and Public Administration.
Secondary: Torts, Immigration, Statistical Methods, and Regulated Industries.

CURRENT RESEARCH AND WORKING PAPERS

- “Presidential Investments in the Administrative State” (with David E. Lewis).
 - Revise and Resubmit: *American Political Science Review*.
- “Bureaucratic Capacity in the Administrative Presidency.”
 - Recipient of the 2021 Vanderbilt Political Science Best Paper Award.

- “The Workforce Capacity of the United States Bureaucracy, 1998-2020.”
- “Agency Policymaking Among Appointees, Actings, and Vacancies” (with Chris Piper).
- “Presidential Regulatory Priorities” (with Sharece Thrower and Chris Piper).
- “Information Flows and Private Governance” (with Nicholas Zeppos).

PUBLICATIONS

- The Public Administration of Justice*, __ CARDOZO LAW REVIEW __ (Forthcoming 2023).
- Policy Implementation and the Judiciary*, in THE HANDBOOK OF POLICY IMPLEMENTATION (Forthcoming 2022) (with Sharece Thrower and Paul Gardner).
- What to Do About Chevron—Nothing*, 72 VANDERBILT LAW REVIEW EN BANC 151 (2019).
- Invited response to Kent Barnett, Christina L. Boyd, and Christopher J. Walker, *Administrative Law’s Political Dynamics*, 71 VANDERBILT LAW REVIEW 1463 (2018).
- Justifying Delay: Why Agencies Delay Compliance Dates and How They Do It*, 4 JOURNAL OF REGULATORY COMPLIANCE 1 (2019).
- Invited contribution to the 2018 *Journal of Regulatory Compliance* Symposium.
- The Winter of Discontent: A Circumscribed Chevron*, 45 MITCHELL HAMLINE LAW REVIEW 393 (2019).
- Invited contribution to a separation-of-powers issue.
- Chevron’s Inevitability*, 85 GEORGE WASHINGTON LAW REVIEW 1392 (2017) (with Kristin E. Hickman).
- The Clear-Statement Chevron Canon*, 66 DEPAUL LAW REVIEW 819 (2017).
- Deferring to the Rule of Law: A Comparative Look at United States Deference Doctrines*, 47 UNIVERSITY OF MEMPHIS LAW REVIEW 1047 (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*, 26 MINNESOTA JOURNAL OF INTERNATIONAL LAW 145 (2017) (with Margaret Penland).
- Social Group Semantics: The Evidentiary Requirements of ‘Particularity’ and ‘Social Distinction’ in Pro Se Asylum Adjudications*, 100 MINNESOTA LAW REVIEW 355 (2015) (Note).
- Recipient of the Volume 35/36 Note and Comment Award.

SHORT PUBLICATIONS

- Chevron’s Latest Step*, YALE JOURNAL ON REGULATION: NOTICE & COMMENT (2022).
- Chevron Critics and Clarity*, 27 THE PUBLIC LAWYER 2 (2019).
- 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).

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
Advocates for Human Rights Refugee and Immigrant Program Law Clerk	Minneapolis, MN June 2014 – Aug. 2014

SELECTED GRANTS, HONORS, AND AWARDS

Malcolm E. Jewell Award Southern Political Science Association	Oct. 2022
Inaugural Dissertation Research Grant Russell Sage Foundation	July 2022
Presidents and Executive Politics Section Grant American Political Science Association	July 2022
J. Leiper Freeman Memorial Award Vanderbilt University (Faculty Selected)	June 2020
Student Service Award Minnesota Justice Foundation	May 2016
Human Rights Center Fellowship University of Minnesota Human Rights Center	May 2014

SELECTED PRESENTATIONS

“Bureaucratic Capacity in the Administrative State.” The Evolving Executive Conference	Vanderbilt University Sept. 2022
“The Public Administration of Justice.” 2022 American Political Science Association	Montreal, Canada Sept. 2022
“The Public Administration of Justice.” 2022 Administrative Law New Scholarship Roundtable	University of Minnesota June 2022
“Presidential Investment in the Administrative State.” 2022 Midwest Political Science Association	Chicago, IL Apr. 2022
“Administrative Policymaking Among Vacancies and Actings.” 2022 Midwest Political Science Association	Chicago, IL Apr. 2022
“Bureaucratic Capacity in the Administrative Presidency.” 2022 Southern Political Science Association	San Antonio, TX Jan. 2022
“Presidential Investment in the Administrative State.” 2022 Southern Political Science Association	San Antonio, TX 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	Duke University Feb. 2021
“Does Insulation Matter?” 2020 Southern Political Science Association Meeting	San Juan, PR Jan. 2020
“Justifying Delay.” 2018 <i>Journal of Regulatory Compliance</i> Symposium	Loyola University Chicago 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); Grader (Undergraduate) 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	iLaw Summer 2016

RESEARCH ASSISTANT POSITIONS

Nicholas Zeppos, Vanderbilt University Law School Research: Private Governance and the Media	Since July 2022
David E. Lewis, Vanderbilt University Research: Presidency and Bureaucracy	Since Aug. 2018
Sharece Thrower, Vanderbilt University Research: Judicial Politics, Bureaucracy, and Machine Learning	Since Jan. 2019
Neal Devins, William and Mary Law School Research: Bureaucracy and Quantitative Methods	June 2019 – Dec. 2021
Brad Smith, Vanderbilt University Research: Statutory Interpretation and Formal Models	June 2019 – Aug. 2019
Kristin E. Hickman, University of Minnesota Law School Research: Administrative Law and Bureaucracy	Aug. 2014 – July 2016
Robert Stein, University of Minnesota Law School Research: Statutory Interpretation and Supreme Court History	June 2015 – May 2016

Steve Meili, University of Minnesota Law School
Research: Immigration and International Human Rights Aug. 2014 – May 2016

RESEARCH AFFILIATIONS

Georgetown University – Department of Government
Affiliate Researcher Since 2021

Vanderbilt University – Center for the Study of Democratic Institutions
Affiliate Researcher Since 2019

SELECTED PROFESSIONAL AND UNIVERSITY SERVICE

University Service:
Graduate Student Council (Vanderbilt University): Symposium Coordinator.

Conference Organization:
The Evolving Executive Conference (Sep. 2022); Vanderbilt Graduate Idea Symposium (Dec. 2021); *Minnesota Law Review* Symposium (Oct. 2015).

Journal Referee:
Journal of Politics; *Presidential Studies Quarterly*.

Professional Memberships:
American Bar Association; American Political Science Association; Midwest Political Science Association; Southern Political Science Association.

BAR ADMISSIONS

State of Minnesota
U.S. District Court for the District of Minnesota