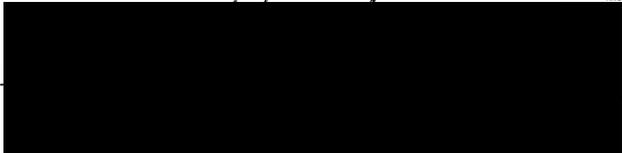


**Committee on Energy and Commerce**  
**U.S. House of Representatives**  
Witness Disclosure Requirement - "Truth in Testimony"  
Required by House Rule XI, Clause 2(g)(5)

<b>1. Your Name: David C. Vladeck</b>		
<b>2. Your Title: Professor of Law, Georgetown University Law Center</b>		
<b>3. The Entity(ies) You are Representing: None</b>		
<b>4. Are you testifying on behalf of the Federal, or a State or local government entity?</b>	<b>Yes</b>	<b>No</b> *
<b>5. Please list any Federal grants or contracts, or contracts or payments originating with a foreign government, that you or the entity(ies) you represent have received on or after January 1, 2013. Only grants, contracts, or payments related to the subject matter of the hearing must be listed.</b>  I served as a consultant to the Federal Trade Commission from January 1, 2013 through December 31, 2013.		
<b>6. Please attach your curriculum vitae to your completed disclosure form.</b>  A copy of my curriculum vitae is attached.		

Signature:



Date: May 20, 2016

**DAVID C. VLADECK**  
**PROFESSOR OF LAW**  
**GEORGETOWN UNIVERSITY LAW CENTER**  
**600 NEW JERSEY AVENUE, NW**  
**WASHINGTON, DC 20001**

**EMPLOYMENT:**

*Georgetown Law.* Professor of Law. Responsible for teaching litigation-related courses, including civil procedure, federal courts, administrative law, first amendment litigation, and privacy, as well as supervising staff attorneys and students in a clinical law program handling broad range of civil rights, open government and health and safety litigation. (July 2002 – present; on leave 2009-2013)

**FORMER EMPLOYMENT:**

*Federal Trade Commission.* Director, Bureau of Consumer Protection. Responsible for overseeing the FTC's Bureau of Consumer Protection and the agency's seven regional offices, including the over 430 lawyers, investigators, paralegals and support staff who carry out the Bureau's work to protect consumers from unfair and deceptive practices. Key accomplishments: Led the FTC's efforts to shut down "last dollar frauds" aimed at economically-vulnerable consumers; to fight abusive debt collection and mortgage foreclosure practices; to stop national advertisers from making unsubstantiated health and environmental claims; to bolster privacy protections through aggressive law enforcement and policy-making; to safeguard children's privacy online; to establish greater international cooperation on fraud and privacy enforcement; and to build partnerships with legal services providers and community organizations. (April 2009 through January 2013). Served as a consultant to the agency from January 2013 through December 31, 2013.

*Public Citizen Litigation Group.* Director. Responsible for supervising 11-lawyer public interest law firm handling a broad range of health and safety, First Amendment, administrative law, open government, class action, preemption, and separation of powers litigation, primarily but not exclusively in federal court. Testified frequently before Congress and served as Public Citizen's general counsel. (Director, December 1992 – February 2003; Staff Attorney, September 1977 – December 1992)

*Georgetown Law.* Visiting Professor of Law. Taught civil procedure and seminars on civil and First Amendment litigation. (January 1999 – June 2000)

*Georgetown Law.* Adjunct Professor of Law. Teaching responsibilities included seminars on First Amendment litigation, advocacy, and public interest law. (1984 – 2002) (Recipient, Charles Fahy Distinguished Adjunct Professor Award, 1998 –1999 Academic Year)

*Georgetown Law.* Fellow/Staff Attorney, Institute for Public Interest Representation. Handled civil rights and administrative law cases in early clinical law program. (1976 –1977)

**OTHER EXPERIENCE:**

*Member*, National Academy of Sciences, Committee on Science, Technology, and Law (2014 – present)

Member, National Academy of Sciences, Forum on Cyber-Resilience (2016 – present)

*Trustee*, Natural Resources Defense Council (2014 – present) (Member, Executive Committee and Co-Chair, Litigation Committee)

*Board Member*, National Consumers Law Center (2014 – present)

*Senior Fellow*, Administrative Conference of the United States (2011 – present); *Public Member* (1991 – 1995)

*Elected Member*, American Law Institute (2008 – present); Advisor, ALI Project on Information Privacy Principles (2012 – present)

*Co-Reporter*, American Bar Association, APA Black Letter Law Project, Administrative Law Section (1999–2005)

*Council Member*, American Bar Association, Administrative Law Section (2001 – 2005)

*Vice Chair*, District of Columbia Clients' Security Trust Fund (1994 –1999, appointed by the District of Columbia Court of Appeals)

*Secretary & Treasurer*, Consumer Health Foundation, Washington, D.C. (2001 – 2007)

**RECENT HONORS:**

Miles W. Kirkpatrick Award for Lifetime Achievement, Federal Trade Commission (2015)

Philip Hart Public Service Award, Consumer Federation of America (June 2014)

Colston Warne Annual Lecture Award, American Council on Consumer Interests (April 2013) (Colston Warne founded Consumers Union)

Distinguished Service Award, Federal Trade Commission (December 2012)

Partnership Award, Consumer Financial Protection Bureau (November 2012)

Named by *Newsweek-The Daily Beast* as the second most important “Navigator” of the Digital Economy and ranked highly in publication’s “Top 100 Digital Power Index” (June 25, 2012)

Freedom of Information Hall of Fame, The First Amendment Center (part of the Freedom Forum) (inducted in March 2011)

Named one of ten “Game Changers” and one of “50 Politicos to Watch” by *Politico* (July 23, 2010)

Public Interest Law Foundation of Columbia Law School, Public Interest Achievement Award (2009)

Commencement Speaker, Georgetown University Law Center (May 2009)

Named one of 30 “Champions of Justice” and one of the 90 “Greatest Lawyers” in Washington, D.C., over the past 30 years in the 30<sup>th</sup> Anniversary issue of the *Legal Times of Washington* (May 2008)

#### **EDUCATION:**

Georgetown University Law Center, LL.M., June 1977.

Columbia University School of Law, J.D., May 1976. Harlan Fiske Stone Scholar.

New York University, Washington Square College, B.A., *cum laude*, May 1972. Founders’ Day Award for Academic Excellence; Coat of Arms Society (scholastic honor society)

#### **PUBLICATIONS:**

##### **Book Chapters:**

*Separated by Common Goals: A U.S. Perspective on Bridging the U.S.-E.U. Privacy Divide*, in TOWARDS A NEW EUROPEAN DATA PROTECTION REGULATION [HACIA UN NUEVO DERECHO EUROPEO DE PROTECCIÓN DE DATOS (Artemi Rallo Lombarte, ed., Univ. of Valencia Press 2015)

*Law School 2.0: Course Books in the Digital Age*, in LEGAL EDUCATION AND THE ELECTRONIC REVOLUTION (Edward Rubin, ed., Cambridge Univ. Press 2012)

*Preemption and Regulatory Failure Risks*, in PREEMPTIVE CHOICE: THE THEORY, LAW, AND REALITY OF FEDERALISM’S CORE QUESTION (William Buzbee, ed., Cambridge Univ. Press 2008)

*In re Arons: The Plight of the “Unrich” in Obtaining Legal Services*, in ETHICS LAW STORIES (Deborah Rhode & David Luban, eds., Foundation Press 2005)

*Unreasonable Delay, Unreasonable Intervention: The Battle to Force Regulation of Ethylene Oxide*, in ADMINISTRATIVE LAW STORIES (Peter L. Strauss, ed., Foundation Press 2005)

*Special Consideration for Lobbying by Nonprofit Corporations*, in THE LOBBYING MANUAL: A COMPLETE GUIDE TO FEDERAL LAW GOVERNING LAWYERS AND LOBBYISTS (William V. Luneberg, Thomas M. Susman and Rebecca H. Gordon, editors, 4th ed., ABA Press 2009) and (William V. Luneberg and Thomas M. Susman, editors., 3d ed., ABA Press 2005)

*Sistema Judicial Abierto* in LA TRANSPARENCIA EN LA IMPARTICION DE JUSTICA: RETOS Y OPORTUNIDADES (Universidad Nacional Autonoma de Mexico 2004)

*The Roles, Rights, and Responsibilities of the Executive Branch*, in THE REHNQUIST COURT, JUDICIAL ACTIVISM ON THE RIGHT (Herman Schwartz ed., Hill & Wang 2002) (with Professor Alan B. Morrison)

### **Law Review Articles:**

*Charting the Course: The Federal Trade Commission's Second Hundred Years*, 83 Geo. Wash. L. Rev. 2101 (2015)

*The Administrative Conference at Fifty: An Agency Lives Twice*, 83 Geo. Wash. L. Rev. 1689 (2015)

*Machines Without Principals: Liability Rules and Artificial Intelligence*, 89 Wash. Univ. L. Rev. 117 (2014)

*Digital Marketing, Consumer Protection, and the First Amendment: A Brief Reply to Professor Ryan Calo*, 82 Geo. Wash. L. Rev. Arguendo 156 (2014) (available at [http://www.gwlr.org/wp-content/uploads/2014/10/Vladeck\\_Arguendo.pdf](http://www.gwlr.org/wp-content/uploads/2014/10/Vladeck_Arguendo.pdf))

*Deconstructing Wyeth v. Levine: The Court's New Functional Approach to Regulatory Implied Preemption*, 54 Case W. Res. L. Rev. 883 (2009)

*Contracting (Out) Rights*, 36 Ford. Urban L. J. 803 (2009) (with Professor Kathryn A. Sabbeth)

*FDA Preemption, Wyeth, Congress, and a Crystal Ball*, 32 Hamline L. Rev. 707 (2009)

*The Failed Promise of Workplace Health Regulation*, 111 W. Va. Univ. L. Rev. 15 (2008)

*Information Access — Surveying the Current Legal Landscape of Federal Right-to-Know Laws*, 86 Texas L. Rev. 1787 (2008) (selected by Vanderbilt Law School and the Environmental Law Institute as one of the five best environmental law articles published in 2008), *reprinted as abridged* in Environmental Law and Policy Annual Review, 39 Env't'l L. Rep't 10773 (2009))

*The FDA and Deference Lost: A Self-Inflicted Wound or the Product of a Wounded Agency?*, 93 Cornell L. Rev. 981 (2008)

*A Critical Examination of the FDA's Efforts to Preempt Failure-to-Warn Claims*, 96 Geo. L. J. 461 (2008) (with former FDA Commissioner Dr. David A. Kessler)

*The Difficult Case of Direct-to-Consumer Advertising*, 41 Loyola L.A. Rev. 259 (2008)

*Litigating National Security Cases in the Aftermath of 9/11*, 2 J. Nat'l Security L. & Pol'y 165 (2006)

*Judicial Triage: Reflections on the Debate Over Unpublished Opinions*, 62 Wash. & Lee L. Rev. 1667 (2005) (with Professor Mitu Gulati)

*Preemption and Regulatory Failure*, 33 Pepp. L. Rev. 95 (2005)

*Keeping Score: The Utility of Empirical Measurements in Judicial Selection*, 54 Fla. St. Law Rev. 1415 (2005)

*Lessons From A Story Untold: Nike v. Kasky Reconsidered*, 54 Cas. W. Res. L. Rev. 1049 (2004)

*Symposium: Judge Jack B. Weinstein, Tort Litigation, and the Public Good*, 12 Brook. J. of Law & Pol'y, 182, 217 (2003)

*Defending Courts: A Brief Rejoinder to Professors Rosenberg and Fried*, 31 Seton Hall L. Rev. 631 (2001)

*Hard Choices: Thoughts for New Lawyers*, 10 U. Kan. J. L. & Pub. Pol'y 349 (2001)

*Devaluating Truth: Unverified Health Claims in the Aftermath of Pearson v. Shalala*, 54(4) Food & Drug L.J. 535 (1999)

*Why the Supreme Court Will Uphold Strict Controls on Tobacco Advertising*, 22 S. Ill. U. L.J. 651 (1998) (with Professor John Cary Sims)

*Self-Correction Mechanisms in the Regulatory System*, 19 Harv. J. of Law & Pub. Policy 661 (1996)

*The Administrative Conference's Role in Promoting Government Efficiency Today, Tomorrow, and Next Year*, 8 Amer. U. Ad. L. J. 697 (1994)

*The First Year of Clinton/Gore: Reinventing Government or Refining Reagan/Bush Initiatives?*, 8 Amer. U. Ad. L.J. (1994)

## **Other Articles:**

*Debt's Dilemmas: ACCI's Annual Colston Warne Lecture*, 47(2) *Journal of Consumer Affairs* 358 (Summer 2013)

*Litigation and Professional Responsibility: Is Overlawyering Overtaking Democracy*, 21 *Geo. J. Legal Ethics* 1433 (2008) (symposium remarks)

*The Emerging Threat of Regulatory Preemption*, American Constitution Society White Paper (Jan. 2008), available at <http://www.acslaw.org/IssueBrief> (reprinted in 2 *Advance* 81 (2008))

*Corporations and Commercial Speech*, 30 *Seattle U. L. Rev.* 895 (2007) (symposium remarks)

Administrative Law and Regulatory Practice Section of the ABA, *A Blackletter Statement of Federal Administrative Law*, 54 *Admin. L. Rev.* 1, 60-75 (2002) (co-reporter for sections on open government statutes)

*Symposium: Tort Liability, The Structural Constitution, and The States; Panel Two: Redressing Harm: Who Decides?*, 31 *Seton Hall L. Rev.* 644 (2001) (debate with Harvard Law School Professors Charles Fried and David Rosenberg on tort liability)

*Truth and Consequences: The Perils of Half-Truths and Unsubstantiated Health Claims for Dietary Supplements*, 19(1) *Journal of Marketing and Policy* 132 (Spring 2000)

*Counterpoint: The Regulatory Degradation Act*, 16 *Environmental Forum* 26 (May/June 1999)

*Paralysis By Analysis: How Republicans Plan to Kill Popular Regulation*, *The American Prospect* (Summer 1995) (with Professor Thomas O. McGarity)

*Random Thoughts on Commercial Speech*, 4 *ABA Consumer Protection Update* 1 (Summer 1995)

*Governmental Immunity and Other Impediments: Decisions Concerning Access to Federal Court During the Supreme Court's 1995-1996 Term*, 30(7) *Clearinghouse Review* 685 (Nov. 1996) (author of section addressing *Seminole Tribe v. Florida*)

*The Politics of OSHA's Standard-Setting*, 19 *Am. J. Ind. Med.* 801 (1991) (with Dr. Sidney M. Wolfe)

## **SIGNIFICANT CASES:**

### **Supreme Court – Representative Cases (amicus briefs not included)**

#### **1. Argued Cases:**

*Arlington Central School Dist. Bd. of Educ. v. Murphy*, 548 U.S. 291 (2006) (represented parents in case holding that cost-shifting provision of the Individuals with Disabilities Education Act does not authorize awards of expert costs)

*Richardson v. McKnight*, 521 U.S. 399 (1997) (represented prisoner in case holding that guards employed by private prison corporation may not invoke qualified immunity in civil rights actions)

*Edenfield v. Fane*, 507 U.S. 761 (1993) (represented certified public accountant in successful First Amendment/commercial speech challenge to Florida law forbidding in-person solicitation by CPAs)

*Barrentine v. Arkansas-Best Freight Systems, Inc.*, 450 U.S. 728 (1981) (represented truck drivers in case holding that adverse arbitration award does not bar workers from pursuing Fair Labor Standards Act claim)

#### **2. Co-Counsel:**

*Department of Transportation v. Public Citizen*, 541 U.S. 752 (2004) (represented environmental and labor organizations in unsuccessful challenge under the National Environmental Policy Act to introduction of Mexican-registered trucks into the United States)

*Lee v. Kemma*, 534 U.S. 362 (2002) (represented a petitioner in a successful habeas case; argued that he was wrongfully denied a brief continuance during a murder trial)

*Correctional Service Corp. v. Malesko*, 534 U.S. 61 (2001) (represented a prisoner in an unsuccessful effort to extend *Bivens* to civil rights violations committed by a private prison corporation housing federal prisoners)

*Jefferson County v. Acker*, 527 U.S. 423 (1999) (represented federal judges in unsuccessful constitutional challenge to imposition of local “professional tax”)

*Timmons v. Twin Cities Area New Party*, 520 U.S. 351 (1997) (represented minor party in unsuccessful challenge to a state law prohibiting minor parties from cross-nominating major party candidates)

*Doctors’ Associates v. Casarotto*, 517 U.S. 681 (1996) (represented franchisee in case holding that the Federal Arbitration Act preempts a Montana law mandating that contracts requiring arbitration display arbitration provision prominently)

*Loving v. United States*, 517 U.S. 748 (1996) (represented criminal defendant in unsuccessful constitutional challenge to the President’s power to prescribe aggravating factors and to decide the imposition of the death penalty in cases under the Uniform Code of Military Justice)

*Shalala v. Schaefer*, 509 U.S. 292 (1993) (represented claimant in a case establishing the timeliness of a disability claimant’s application for fees under Equal Access to Justice Act)

*Dole v. Steelworkers*, 494 U.S. 26 (1990) (represented labor organizations in a successful challenge to effort by OMB to overrule agency action under the Paperwork Reduction Act)

*Michigan Citizens for an Independent Press v. Thornburgh*, 493 U.S. 38 (1989) (represented readers and advertisers in an unsuccessful Newspaper Preservation Act challenge to the consolidation of the Detroit, Michigan daily newspapers)

*Zauderer v. Office of Disciplinary Counsel*, 475 U.S. 626 (1985) (represented lawyer in a successful First Amendment challenge to disciplinary sanction imposed on lawyer for using illustrations in advertisements seeking clients injured by the Dalkon Shield)

*CIA v. Sims*, 471 U.S. 159 (1985) (represented researchers in an unsuccessful effort to compel disclosure of records relating to CIA’s MK-ULTRA program)

### **Court of Appeals – Representative Cases**

#### *A. Health and Safety Cases:*

*Public Citizen Health Research Group v. Auchter*, 702 F.2d 1150 (D.C. Cir. 1983); 796 F.2d 1479 (D.C. Cir. 1986); 823 F.2d 626 (D.C. Cir. 1987) (represented hospital and health care workers in case requiring OSHA to regulate ethylene oxide, a potent carcinogen and teratogen) (lead counsel)

*Steelworkers v. Auchter*, 763 F.2d 728 (3d Cir. 1985); 819 F.2d 1263 (3d Cir. 1987); 855 F.2d 108 and 862 F.2d 63 (3d Cir. 1988) (represented industrial workers in successful case to ensure that workers are notified of the hazards they are exposed to on the job) (co-lead counsel)

*ATRA v. OSHA*, 738 F.3d 387 (D.C. Cir. 2013) (successful defense of OSHA’s non-preemption determination with respect to its Hazard Communication Standard) (lead counsel)

*International Chemical Workers Union v. Pendergrass*, 958 F.2d 1144 (D.C. Cir. 1992); 830 F.2d 369 (D.C. Cir. 1987) (represented labor unions in successful suit to compel OSHA to regulate cadmium, a potent lung carcinogen) (lead counsel)

*Public Citizen Health Research Group v. Chao*, 314 F.3d 143 (3d Cir. 2002); 145 F.3d 120 (3d Cir. 1998) (represented labor unions in successful suit to compel OSHA to regulate hexavalent chromium, a potent lung and liver carcinogen) (co-counsel)

*National Grain & Feed Ass'n v. OSHA*, 866 F.2d 717 (5th Cir. 1989); 903 F.2d 308 (5th Cir. 1990) (represented labor unions in successful suit to compel OSHA to regulate grain dust to reduce explosion and fire risk) (co-lead counsel)

*UAW v. OSHA*, 938 F.2d 1310 (D.C. Cir. 1991) (represented labor unions in successful suit to force OSHA to regulate procedures to lock-out or tag-out hazardous machinery during maintenance) (co-lead counsel)

*UAW v. Pendergrass*, 878 F.2d 389 (D.C. Cir. 1989) (represented labor unions in suit to force OSHA to regulate formaldehyde) (co-counsel)

*Public Citizen Health Research Group v. FDA*, 704 F.2d 1280 (D.C. Cir. 1983) (represented consumer group in a successful action to compel FDA to disclose comparative safety data on intra-ocular lenses) (lead counsel)

*Public Citizen v. FTC*, 869 F.2d 1541 (D.C. Cir. 1989) (represented public health groups in successful effort to require the FTC to regulate adequately the promotion of smokeless tobacco products) (lead counsel)

*Public Citizen, Inc. v. National Highway Traffic Safety Admin.*, 374 F.3d 1251 (D.C. Cir. 2004) (represented consumers groups in unsuccessful challenge to NHTSA's decision to reduce stringency of testing for airbags) (co-counsel)

*Public Citizen, Inc. v. Mineta*, 340 F.3d 39 (2d Cir. 2003) (represented consumer groups in a successful challenge to force NHTSA to implement tire pressure monitoring rule) (co-counsel)

#### *B. Separation of Powers Cases:*

*City of New Haven v. United States of America*, 809 F.2d 900 (D.C. Cir. 1987) (represented New York City, Chicago, Los Angeles, and other major cities in separation of powers case invalidating the President's impoundment of \$6 billion of public housing funds) (lead counsel)

*Public Citizen v. Burke*, 843 F.2d 1473 (D.C. Cir. 1988) (represented historians seeking access to Nixon Presidential papers in case overturning Office of Legal Counsel's interpretation of regulations to require sitting President to defer to executive privilege claims asserted by former President under the Presidential Records Act) (co-counsel)

*National Ass'n of Counties v. Baker*, 842 F.2d 369 (D.C. Cir. 1987) (represented the nation's counties in an unsuccessful suit to recover over \$180 million in trust fund monies sequestered under the Gramm-Rudman-Hollings Act) (lead counsel)

*Meyer v. Bush*, 981 F.2d 1288 (D.C. Cir. 1993) (represented consumer and labor groups in unsuccessful effort to establish that President Bush's Task Force on Regulatory Relief was an "agency" subject to Freedom of Information Act) (co-counsel)

*C. First Amendment Cases:*

*Rounds v. Oregon State Board of Higher Education*, 166 F.3d 1032 (9th Cir. 1999) (represented student groups in a successful defense of mandatory student fee against First Amendment compelled speech challenge) (lead counsel)

*FEC v. Political Contributions Data, Inc.*, 943 F.2d 190 (2d Cir. 1991) (represented a publisher in a successful defense of the use of public election data to prepare reports of corporate campaign contributions)(lead counsel)

*Schwartz v. Welch*, 890 F. Supp. 565 (S.D. Miss. 1995) (represented lawyers in a successful challenge to Mississippi's restrictive lawyer advertising rules) (co-lead counsel)

*D. Miscellaneous Cases — Representative Sample*

*In re National Security Archive*, 104 F. Supp. 3d 625 (S.D.N.Y. 2015) and 2008 WL 8985358 (S.D.N.Y. Aug. 26, 2008) (represented historians in a successful effort to unseal the grand jury records leading to the indictment of Julius and Ethel Rosenberg) (lead counsel)

*In re American Historical Ass'n*, 49 F. Supp. 2d 274 (S.D.N.Y. 1999) & 62 F. Supp. 2d 1100 (S.D.N.Y. 1999) (represented historians in a successful effort to unseal grand jury records leading to the indictment of Alger Hiss) (lead counsel)

*Wieder v. Skala*, 609 N.E.2d 105 (N.Y. 1992) (represented a lawyer in first case from a state court of last resort holding that a lawyer fired by his firm for insisting that it report ethics violations states a cause of action against the firm for wrongful termination)(lead counsel)

*In re GMC Pick-Up Truck Fuel Tank Prods. Liab. Litig.*, 134 F.3d 133 (3d Cir. 1998) (represented intervenors in a successful effort to overturn "coupon" settlement of massive product defect case involving fire-prone GM pickup trucks)(co-counsel)

*New York Public Interest Research Group v. EPA*, 249 F. Supp. 2d 327 (S.D.N.Y. 2003) (represented environmental groups in a successful action forcing EPA to release materials from General Electric relating to PCB contamination of the Hudson River)(lead counsel)

*Lee v. Minner*, 458 F.3d 194 (3d Cir. 2006), *affirming*, 369 F. Supp. 2d 527 (D. Del. 2005) (represented a journalist in a successful constitutional challenge under Article IV's Privilege and Immunities Clause to the citizens-only provision of Delaware public records law)(lead counsel)

*Phillips v. Immigration and Customs Enforcement*, 385 F. Supp. 2d 296 (S.D.N.Y. 2005) (represented a journalist in a successful Freedom of Information Act case seeking to shed light on why the United States granted political asylum to two El Salvadorean generals linked to human rights atrocities)(lead counsel)

*Inner City Press/Communities on the Move v. Board of Governors of the Fed. Res. System*, 380 F. Supp. 2d 211 (S.D.N.Y. 2005), *aff'd in part, rev'd in part*, 463 F.3d 239 (2d Cir. 2006) (represented a community organization in a successful Freedom of Information Act case for records relating to the sub-prime lending practices of bank merger applicants)(co-counsel)

*NRDC v. Dep't of Defense*, 388 F. Supp. 2d 1086 (C.D. Cal. 2005), 442 F. Supp. 2d 857 (C.D. Cal. 2006)(represented an environmental organization in a successful Freedom of Information Act case seeking to determine the extent of groundwater contamination caused by perchlorate, a key ingredient in rocket fuel) (lead counsel)

*Wilner v. NSA*, 592 F.3d 60 (2d Cir. 2009), *affirming*, 2008 WL 2567765 (S.D.N.Y. 2008) (represented lawyers representing Guantánamo detainees in an unsuccessful Freedom of Information Act case to determine whether the lawyers were subject to warrantless NSA surveillance) (co-counsel)

#### **SIGNIFICANT CONGRESSIONAL TESTIMONY:**

*Hearings on Food Marketing: Can "Voluntary" Government Restrictions Improve Children's Health?* House Committee on Energy and Commerce, Subcommittee on Commerce, Manufacturing and Trade, 2011 WL 4829542 (Oct. 12, 2011)

*Hearings on Consumer Privacy and Protection in the Mobile Marketplace*, Senate Committee on Commerce, Science and Transportation, 2011 WL 1896947 (May 19, 2011)

*Hearings on Data Security*, House Committee on Energy and Commerce, Subcommittee on Commerce, Manufacturing and Trade, 2011 WL 1971214 (May 4, 2011)

*Hearings on "Do-Not-Track" Legislation: Is Now The Right Time?* House Committee on Energy and Commerce, Subcommittee on Commerce, Trade, and Consumer Protection, 2010 WL 4913932 (Dec. 2, 2010)

*Hearings on Consumer Privacy*, House Committee on Energy and Commerce, Subcommittee on Commerce, Trade and Consumer Protection, 2010 WL 2863838 (July 22, 2010)

*Hearings on Keeping Score on Credit Scores: An Overview of Credit Scores, Credit Reports and Their Impact on Consumers*, House Committee on Financial Services, Subcommittee on Financial Institutions and Consumer Credit, 2010 WL 1057011 (March 24, 2010)

*Hearings on Advertising Trends and Consumer Protection*, Senate Committee on Commerce, Science and Transportation, Subcommittee on Consumer Protection, Product Safety, and Insurance, 2009 WL 2171862 (July 22, 2009)

*Hearings on the FTC's Anti-Fraud Efforts*, Senate Committee on Commerce, Science and Transportation, Subcommittee on Consumer Protection, Product Safety, and Insurance, 2009 WL 2026212 (July 14, 2009)

*Hearings on H.R. 1346, The Medical Device Safety Act of 2009*, House Committee on Energy and Commerce, Subcommittee on Health, 2009 WL 1353832 (May 12, 2009)

*Hearings on Whether FDA Regulation Should Bar Liability Claims*, House Committee on Oversight and Government Reform, 2008 WL 2045180 (May 14, 2008)

*Hearings on Regulatory Preemption*, Senate Judiciary Committee, 2007 WL 2680495 (September 12, 2007)

*Hearings on OMB and Guidance to Agencies*, House Science Committee, Subcommittee on Investigations and Oversight, 2007 WL 45833 (February 13, 2007)

*Hearings on the Administrative Law, Process and Procedure Project for the 21<sup>st</sup> Century*, House Judiciary Committee (September 11, 2006) (CIS-No.: 2007-H522-1)

*Hearings on S. 746, The Regulatory Improvement Act of 1999*, Senate Governmental Affairs Committee, 1999 WL 252618 (April 21, 1999)

*Hearings on H.R. 4049, The Regulatory Fair Warning Act of 1998*, House Judiciary Committee, Subcommittee on Commercial and Administrative Law, 1998 WL 12762416 (July 23, 1998)

*Hearings on the First Amendment Implications of Regulating the Advertising and Promotion of Tobacco Products to Children and Adolescents*, Senate Judiciary Committee, 1998 WL 244802 (May 13, 1998)

*Hearings on the Tobacco Settlement*, Senate Commerce Committee, 1998 WL 8992545 (March 3, 1998)

*Hearings on S. 981, The Regulatory Improvement Act of 1997*, Senate Governmental Affairs Committee, 1997 WL 570267 (September 12, 1997)

*Hearings on the Reauthorization of the Administrative Conference of the United States*, House Judiciary Committee, Subcommittee on Commercial and Administrative Law, 1995 WL 283139 (May 11, 1995)

*Hearings on H.R. 994, The Regulatory Sunset and Review Act of 1995*, House Government Affairs Committee, Subcommittee on National Economic Growth, Natural Resources and Regulatory Affairs, 1995 WL 33899 (March 28, 1995)

*Hearings on S. 291 and S. 343 -- Proposals to Reform the Regulatory Process*, Senate Government Affairs Committee, 1995 WL 96095 (March 8, 1995)

*Hearings on S. 343, The Comprehensive Regulatory Reform Act of 1995*, Senate Judiciary Committee, Subcommittee on Courts and Administrative Practices, 1995 WL 74643 (February 24, 1995)

*Hearings on H.R. 9, The Job Creation and Wage Enhancement Act of 1995*, House Judiciary Committee, Subcommittee on Commercial and Administrative Law, 1995 WL 42027 (February 3, 1995)

*Hearings on Regulatory Review and the Proposed Amendments to the Paperwork Reduction Act*, Senate Government Affairs Committee, 1994 WL 233377 (May 19, 1994)