

# Mark S. Chenoweth

## EXPERIENCE

- NEW CIVIL LIBERTIES ALLIANCE**, *President & CLO (prev. Exec. Dir. & G.C.)* 2017-present
- Founding director of only civil rights legal advocacy org. focused solely on the Administrative State.
  - Set organization's agenda, deciding scope of work, focus of advocacy, and legal arguments to make.
  - Review all potential litigation, approve clients, and decide which cases merit NCLA's involvement.
  - Co-author appellate briefs; substantively collaborate on and approve trial-level pleadings/motions.
- ANTONIN SCALIA LAW SCHOOL**, *Adjunct Professor of Law at George Mason Univ.* 2022-present
- Teach Intro. to Public-Interest Litigation and co-teach Advanced Public-Interest Litigation courses.
- WASHINGTON LEGAL FOUNDATION**, *General Counsel* 2013-17
- Managed litigation operations of free-market-oriented, nonprofit legal advocacy organization.
  - Reviewed all requests for *amicus* brief help and determined which cases merited involvement.
  - Co-authored ± 40 *amicus* briefs a year to file in U.S. Supreme Court and federal courts of appeals.
- U.S. REPRESENTATIVE MIKE POMPEO**, *Chief of Staff* 2011-13
- Launched freshman congressman's office, creating and implementing new systems and procedures.
  - Managed 20+ employees including hiring/firing personnel (directly supervised 8); also oversaw budget, legislative, communications, constituent services, and administrative functions.
  - Advised congressman on policy, legislative issues, political questions, legal, and ethics matters.
- U.S. CONSUMER PRODUCT SAFETY COMMISSION**, *Counsel to Com'r Anne Northup* 2009-11
- Advised Commissioner on statutory interpretation and administrative law issues surrounding CPSC rulemakings, implementation of new law, civil penalty proceedings, and other compliance matters.
  - Represented Com'r in intra-agency legal negotiations; drafted official statements in support of votes.
- KOCH INDUSTRIES, INC.**, *Counsel, Legal Reform* 2004-08
- Led company's legal reform and lobbying compliance efforts.
- U.S. DEPARTMENT OF JUSTICE**, Office of Legal Policy, *Attorney Advisor* 2002-04
- Vetted judicial nominees, conducted policy analysis, drafted speeches for Asst. Attorney General.
- WILMER, CUTLER & PICKERING**, *Second and Third-Year Regulatory Associate* 2001-02
- Participated in wide variety of regulatory and litigation matters; awarded top 10 firm *pro bono* prize.
- HON. DANNY BOGGS**, U.S. Court of Appeals for the 6th Circuit, Louisville, KY *Law Clerk* 1999-00
- Prepared bench memos, performed legal research, and worked on draft opinions at judge's direction.

## EDUCATION

- UNIVERSITY OF CHICAGO LAW SCHOOL**, J.D. June 1999
- Founder, Institute for Justice Clinic on Entrepreneurship—conceived of new clinic to provide free legal advice to aid underprivileged local businesses; obtained approval and sponsorship.
  - Associate Editor, *U. of Chicago Legal Forum*; Tony Patiño, Humane Studies, and Bradley Fellow.
- YALE UNIVERSITY**, B.A., Distinction in Ethics, Politics & Economics May 1995
- National Merit Scholar.
  - Editor-in-Chief, *The Yale Free Press*.
  - DeForest Prize winner for the outstanding oration by a member of the Yale senior class.

*Member in Good Standing of the DC and KS Bars*

*LEADERSHIP POSITIONS*

<b>Finance Committee Member</b> , Saint Peter’s Episcopal Church	2015-18
<b>Federalist Society</b> , Executive Cmte., Administrative Law Practice Group	2019-present
Executive Cmte., Corporate and Criminal Law Practice Groups	2004-10
<b>American Tort Reform Association</b> , Board of Directors	2005-09
<b>Lawyers for Civil Justice</b> , Chair of Expert Evidence Subcommittee	2005-08
<b>Civil Justice Reform Group</b> , Chair of Sound Science Subcommittee	2005-08
<b>American Legislative Exchange Council</b> , Civil Justice Task Force Member	2005-08

*PUBLICATIONS (partial list)*

“Re-invigorating Nondelegation with Core Legislative Power” book chapter co-authored with Richard Samp in <i>The Administrative State Before the Supreme Court</i> (AEI Press)	April 15, 2022
“Out of the Separation-of-Powers Frying Pan and Into the Nondelegation Fire,” <i>University of Chicago Law Review Online</i>	August 27, 2020
“The D.C. Circuit Did Not ‘Bungle’ the General Flynn Case,” <i>Forbes.com</i>	July 7, 2020
“When the Wolf at the Door Is Your Governor,” <i>Forbes.com</i>	July 2, 2020
“Judge Sullivan Disregards Two Controlling Precedents in Flynn Case,” <i>Forbes.com</i>	May 14, 2020
“Brand X deference advances ‘administrative absolutism,’” <i>Los Angeles Daily Journal</i>	March 5, 2020
“Secret Laws for the Powerful,” <i>The Wall Street Journal</i> , op-ed with Peggy Little	July 24, 2019
“Chief Justice Roberts Is Dead Wrong About Auer Deference,” <i>Forbes.com</i>	June 30, 2019
“Bump Stock Rule Puts Constitution in the Crosshairs,” <i>Forbes.com</i>	March 1, 2019
“Will Constitutional Defects with ALJs Collapse the SEC’s House of Cards?” <i>Forbes.com</i>	Dec. 3, 2018
“Florida Voters Join Chevron Revolt and Strike a Blow Against Judicial Bias,” <i>Forbes.com</i>	Nov. 8, 2018
“Have Americans Forgotten Why Due Process Matters?” <i>Forbes.com</i>	Oct. 16, 2018
“ <i>Expressions Hair Design</i> : Detangling the Commercial-Free-Speech Knot,” <i>Cato Supreme Court Review</i> , 2016-2017	Sept. 2017
“Ninth Circuit Has Chance to Vindicate First Amendment,” <i>Los Angeles Daily Journal</i>	July 28, 2017
“The Supreme Court’s NOT Top 10: Oct. Term 2016 Cert. Petitions,” <i>Forbes.com</i>	July 25, 2017
“Can Exec. Branch Play Hide-and-Seek with Appointments,” <i>Los Angeles Daily Journal</i>	Dec. 2016
“Justices to Weigh Post-9/11 Arrests,” <i>San Francisco Daily Journal</i> ,	Oct. 24, 2016
“DC Circuit’s <i>Fokker</i> Decision Preserves the Separation of Powers ...,” <i>Forbes.com</i>	April 11, 2016
“Two Cheers for 10th Circuit’s...Stay of CPSC’s New Magnet Safety Std.,” <i>Forbes.com</i>	April 14, 2015
“Swing and a Miss: MO Supreme Court Rules Against Hot Dog Toss ...,” <i>Forbes.com</i>	July 30, 2014
“Alameda County, Calif. Drug Disposal Ordinance Should Take a Hike,” <i>Forbes.com</i>	July 10, 2014
“Proxy Advisory Services: Making Glass Lewis Transparent—and ISS Too,” <i>Forbes.com</i>	Dec. 17, 2013
“CPSC’s Attack on ... CEO More Dangerous Than Rare Earth Magnets?” <i>Forbes.com</i>	August 28, 2013
“Using Its Sixth Sense: the Roberts Court Revamps the Rights of the Accused,” <i>Cato Supreme Court Review</i> , 2008-2009	Sept. 2009