

KIMBERLY L. WEHLE¹
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University of Baltimore School of Law

Baltimore, MD

Professor of Law (with tenure)

2009 - present

Teach courses on complex civil litigation skills and practice, including Civil Procedure, Administrative Law, Federal Courts, and Introduction to Legal Skills. Supervise student brief-writing and simulated oral arguments of course-related cases pending before U.S. Supreme Court. Publish articles on federal jurisdiction, separation of powers, privatization of government, and use of private sector surveillance data and technologies for national security and law enforcement. Served as consultant to the Federal Bureau of Investigation's Biometric Center of Excellence on issues related to privacy and the Fourth Amendment. Developed software concept and secured provisional patent for "gamifying" litigation training for law students and lawyers. Taught Comparative Administrative Law at the University of Aberdeen in Aberdeen, Scotland, Summer 2016.

George Washington University Law School

Washington, D.C.

Visiting Professor of Law

2007 – 2009

Courses taught: Civil Procedure, Federal Courts, Administrative Law.

University of Oklahoma College of Law

Norman, OK

Associate Professor of Law

2006 - 2008

Courses taught: Civil Procedure, Federal Courts, Administrative Law.

Wehle Law, LLC

Chevy Chase, MD

Principal

September 2015 - present

Provide appellate, criminal, and civil litigation counsel to support fluctuating demands of law firms as well as individual clients. Deep substantive expertise in federal administrative law, including *Chevron* and arbitrary and capricious review, as well as federal jurisdiction and civil procedure. Recent engagements include drafting an amicus brief in the Supreme Court case, *TC Heartland LLC v. Kraft Foods Group Brands LLC*, providing strategic advice in a case before the Federal Circuit involving the Tariff Act of 1930 and *Chevron* review; preparing *amicus curiae* briefs in the Redskins trademark appeal to the Fourth Circuit, in an appeal to the Federal Circuit in *Apple, Inc. v. Samsung Electronics Co., Inc.*, and in *State of West Virginia v. Environmental Protection Agency*, a challenge to the Obama Administration's Clean Power Plan in the D.C. Circuit; and drafting summary judgment and discovery briefs in multiple cases pending in federal court. Of Counsel at the D.C. law firms of Miller Friel and Aegis Law Group. Serve as support counsel to Goldstein & Russell.

¹ Formerly Kimberly N. Brown.

Caplin & Drysdale, Chartered Washington, D.C.
Of Counsel, Litigation Group 2000 - 2006
Represented candidates for national office in federal court litigation against the Federal Election Commission. Drafted pleadings and briefs, conducted discovery, and argued dispositive motions in federal court on behalf of creditor committees appointed in complex asbestos-related bankruptcy litigation pending in U.S. Bankruptcy Court, U.S. District Courts and U.S. Circuit Courts of Appeals. Served as lead counsel for an official committee of asbestos personal injury creditors in the Celotex Corporation's bankruptcy case.

Office of the United States Attorney Washington, D.C.
Assistant United States Attorney, Civil Division 1997 - 1999
Represented numerous federal agencies in litigation docket of approximately 45 civil cases in U.S. District Court for the District of Columbia and the U.S. Court of Appeals for the D.C. Circuit. Drafted pleadings, engaged in settlement negotiations, conducted discovery, and appeared in federal court on a near-daily basis for status conferences, motions hearings, and appellate arguments on a range of subject areas, including the Administrative Procedure Act, Federal Torts Claims Act, Freedom of Information Act, Title VII of the Civil Rights Act, Rehabilitation Act, and the U.S. Constitution. Appearance before Judge Garland as counsel for the plaintiff-appellant in *Anderson v. Zubieta*, 180 F.3d 329 (D.C. Cir. 1999), was included on the Obama Administration's short list of representative cases for bar review of his nomination to the United States Supreme Court.

Independent Counsel Kenneth W. Starr Washington, D.C.
Associate Independent Counsel, Whitewater Investigation 1996 - 1997
Assisted Ken Starr, U.S. District Judge John D. Bates, D.C. Circuit Judge Brett Kavanaugh, and Deputy Attorney General Rod Rosenstein, among others, in grand jury investigations and federal court litigation. Drafted briefs filed in U.S. District Courts, U.S. Courts of Appeals, and the U.S. Supreme Court.

Federal Trade Commission Washington, D.C.
Staff Attorney, Bureau of Consumer Protection, Division of Enforcement 1995 - 1996
Conducted investigations of compliance with administrative orders relating to violations of federal consumer protection laws.

The Honorable Charles R. Richey Washington, D.C.
Law Clerk, United States District Court for the District of Columbia 1994 - 1995

Morrison Foerster San Francisco, CA
Summer Associate, Litigation Group Summer 1993

California Indian Legal Services Oakland, CA
Law Clerk Summer 1992
Provided specialized legal representation to Indians and Indian tribes on issues that included federal tribal recognition, the First Amendment, and individuals' eligibility for public benefits.

EDUCATION

J.D., University of Michigan Law School (1993) Ann Arbor, MI
cum laude; Note Editor, Michigan Law Review

B.A., Cornell University (1990) Ithaca, NY
magna cum laude, English; Phi Beta Kappa; English department award for best honors thesis

University of Pennsylvania (1986-87) Philadelphia, PA

BAR ADMISSIONS

Admitted in the District of Columbia and California. Admitted to practice in D.C., Federal, Second and Fourth Circuit Courts of Appeal as well as the U.S. District Court for the District of Columbia.

PUBLICATIONS

BOOKS

THE OUTSOURCED CONSTITUTION (forthcoming CAMBRIDGE UNIV. PRESS 2018)

ARTICLES

Defining Lawmaking Power, 41 WAKE FOREST L. REV. 881 (2016).

Public Laws and Private Lawmakers, 93 WASH. U. L. REV. 615 (2016).

Insourcing, Data Outsourcing, and the Irrelevant Constitution, 49 GEORGIA L. REV. 607 (Spring 2015).

Anonymity, Faceprints, and the Constitution, 21 GEORGE MASON L. REV. 409 (Winter 2014).

"We the People," Constitutional Accountability, and Outsourcing Government, 88 IND. L.J. 1347 (Fall 2013).

Government by Contract and the Structural Constitution, 87 NOTRE DAME L. REV. 491 (2011).

Presidential Control of the Elite "Non-Agency," 88 N.C. L. REV. 71 (Dec. 2009).

Justiciable Generalized Grievances, 68 MARYLAND L. REV. 221 (2008).

What's Left Standing? FECA Citizen Suits and the Battle for Judicial Review, 55 KANSAS L. REV. 677 (April 2007).

SELECTED PRESENTATIONS

Presenter, University of Copenhagen, CEVIA – Centre for Enterprise Liability, *Private Actors as Providers of Welfare and Security Services – Responsibility and Liability* (November 2016).

Panelist, The 2015 Amendments to the Federal Rules of Civil Procedure Symposium: The View from the Bench and Bar, University of Baltimore School of Law (September 2016).

Panelist, *Is Law Review Scholarship Passé?*, University of Baltimore School of Law, Conference: The Fate of Scholarship in American Law Schools (March 2016).

Panelist, Teleforum, *The 21st Century PUC: Dealing with Disruption*, New York Law School Advanced Communications Law & Policy Institute (Feb. 2016).

Presenter, *Due Process and Administrative Adjudications*, District of Columbia Office of Administrative Hearings Judiciary (May 2015).

Presenter, *Insourcing, Data Outsourcing, and the Irrelevant Constitution*, University of Baltimore School of Law (2014).

Panelist, *The Privatization of America*, American Constitution Society for Law and Policy (ACS) Convention; Washington, D.C. (June 2014).

Presenter, *Procedural Due Process and Administrative Adjudications: An Analytic Framework*, District of Columbia Association of Administrative Law Judiciary (June 2014).

Panelist, *Constitution Day SCOTUS Preview Panel*, University of Baltimore School of Law (2013 & 2014).

Participant, *Madness or Badness: Duran and the Evolution of the Insanity Defense in the D.C. Circuit*; The Historical Society of the District of Columbia Circuit and the Litigation Section of the District of Columbia Bar; Ceremonial Courtroom of the E. Barrett Prettyman U.S. Courthouse; Washington, D.C. (2012).

Moderator, *Precedent on the U.S. Supreme Court: Theory and Practice*; panel entitled, “The Normative Foundations of Constitutional Precedent,” University of Baltimore School of Law (2012).

Moderator, *Trends in the Legal Market: An Evolving Landscape*, University of Baltimore School of Law (2012).

Moderator, *Center on Applied Feminism’s Fifth Annual Feminist Legal Theory Conference: Applied Feminism and Democracy*; panel entitled, “Reflecting on the Experiences of Muslim Women as the Arab Spring Moves to Winter,” University of Baltimore School of Law (2012).

Presenter, *“We the People” and Constitutional Accountability: A Path for Delimiting Privatized Government*, University of Baltimore School of Law (2011).

Presenter, *Government by Contract and the Constitutional Continuum*, University of Baltimore School of Law (2011).

Moderator, *A Vision for Voting: Celebrating 45 Years, Creating a Vision for the Future*, University of Baltimore School of Law (2010).

Presenter, *Privatization and the Structural Constitution*, University of Baltimore School of Law (2010).

Moderator, *George Washington University Law Review's Annual Scholar's Review of Administrative Law*, 2008 ABA Administrative Law Conference, Washington, D.C. (2008).

REVIEWING

Participated in review of the nomination of Judge Merrick Garland for the United States Supreme Court at the request of the ABA Standing Committee on Federal Judiciary and the Executive Committee of the New York City Bar.

Peer Reviewer, CAMBRIDGE UNIVERSITY PRESS (2016).

Peer Reviewer, Netherlands Organisation for Scientific Research, Innovational Research Incentives Scheme Veni Grant (2016).

Peer Reviewer, STANFORD LAW REVIEW (2013).