

**LOUIS J. VIRELLI III**  
**Professor of Law**  
**Stetson University College of Law**  
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**EXPERIENCE**

- 2007-Present      **Stetson University College of Law**, Gulfport, FL  
*Professor of Law (2013-present); Leroy Highbaugh Sr. Research Chair (2013-2015)*  
*Associate Professor of Law (2010-2013); Assistant Professor of Law (2007-2010)*  
Courses in Administrative Law, Civil Procedure, Constitutional Law, & Federal Courts
- 2002-2007      **United States Department of Justice - Civil Division**, Washington, DC  
*Honor's Program Attorney, Fraud Section, Commercial Litigation Branch*
- 2001-2002      **United States Court of Appeals for the Third Circuit**, Newark, NJ  
*Law Clerk to the Hon. Leonard I. Garth*
- 2000-2001      **United States District Court for the Eastern District of Pennsylvania**, Easton, PA  
*Law Clerk to the Hon. Franklin S. Van Antwerpen (currently of the Third Circuit)*

**SELECTED PUBLICATIONS**

**BOOKS AND BOOK CHAPTERS**

DISQUALIFYING THE HIGH COURT: SUPREME COURT RECUSAL AND THE CONSTITUTION  
(University Press of Kansas 2016).

ADMINISTRATIVE LAW: CASES AND MATERIALS, 8TH EDITION  
(William Jordan, Richard Murphy & Louis J. Virelli III, eds., Carolina Academic Press 2019).

*Constitutional Appointments*, in THE MUELLER INVESTIGATION AND BEYOND (Carolina Academic Press 2019).

*Administrative Law*, in OVERVIEW OF U.S. LAW (Carolina Academic Press 2d ed. 2018).

*A "Policymaking Interest" in Administrative Abstention*, in GLOBAL PAPERS SERIES VOLUME I: RECENT DEVELOPMENTS IN ADMINISTRATIVE LAW AND ALTERNATIVE DISPUTE RESOLUTION (Russell L. Weaver & Steven I. Friedland, eds., Carolina Academic Press) (2017).

*The First Amendment, Criminal Law, and Judicial Recusal*, in GLOBAL PAPERS SERIES VOLUME II: COMPARATIVE PERSPECTIVES ON FREEDOM OF EXPRESSION (Russell L. Weaver, Mark D. Cole & Steven I. Friedland, eds., Carolina Academic Press) (2017).

**ARTICLES**

*An Ethical Gap in Agency Adjudication*, 69 BUFF. L. REV. (forthcoming 2021).

*Secret Policies*, 2019 U. ILL. L. REV. 463 (w/ Ellen Podgor).

*(A Bit More) On Judicial Speech and the First Amendment*, 79 OHIO ST. L.J. FURTHERMORE 83 (2018).

## LOUIS J. VIRELLI III

*Transparency and Policymaking at the Supreme Court*, 32 GA. ST. U. L. REV. 903 (2016) (symposium piece).

*Administrative Abstention*, 67 ALA. L. REV. 1019 (2016).

*Deconstructing Arbitrary and Capricious Review*, 92 N.C. L. REV. 721 (2014).

*What “Stop and Frisk” Can Teach Us About the First Amendment and Judicial Recusal*, 47 CONN. L. REV. ONLINE 13 (2014).

*Judicial Deference to Congress and the Separation of Powers*, 98 IOWA L. REV. BULL. 28 (2013).

*Science, Politics, and Administrative Legitimacy*, 78 MO. L. REV. 511 (2013) (symposium piece).

*Congress, the Constitution, and Supreme Court Recusal*, 69 WASH. & LEE L. REV. 1535 (2012).

*Constitutional Traditionalism in the Roberts Court*, 73 U. PITT. L. REV. 1 (2012).

*The (Un)Constitutionality of Supreme Court Recusal Standards*, 2011 WIS. L. REV. 1181.

*Judging Darwin: Understanding the New Distributive Model of Evolution Instruction*, 13 U. PA. J. CONST. L. 81 (2010).

*Evolutionary Due Process*, 104 NW. U. L. REV. COLLOQUY 251 (2010).

*Scientific Peer Review and Administrative Legitimacy*, 61 ADMIN. L. REV. 723 (2009).

*Making Lemonade: A New Approach to Evaluating Evolution Disclaimers Under the Establishment Clause*, 60 U. MIAMI L. REV. 423 (2006).

*Federalism Whether They Want It Or Not: The New Commerce Clause Doctrine and the Future of Federal Civil Rights Legislation After United States v. Morrison*, 3 U. PA. J. CONST. L. 926 (2001) (with David Leibowitz).

### SELECT REPORTS / BLOG POSTS / COMMENTARY

*Administrative Recusal Rules: A Taxonomy and Study of Existing Recusal Standards for Agency Adjudicators* (May 14, 2020) (report to the Admin. Conf. of the U.S.),

<https://www.acus.gov/sites/default/files/documents/Virelli%20ACUS%20Part%20II%20FINAL%20-%20May%202013%20FINAL.pdf>

*Supreme Court News*, in *Administrative and Regulatory Law News* (ABA Section on Administrative Law & Regulatory Practice, Fall 2018-present)

*Impartiality is more important in an impeachment trial than in a criminal one. Not less.*, TAMPA BAY TIMES, Jan. 14, 2020.

*Recusal Rules for Administrative Adjudicators*, REG. REVIEW BLOG (May 31, 2019),

<https://www.theregreview.org/2019/05/31/virelli-recusal-rules-administrative-adjudicators/>.

*Recusal Rules for Administrative Adjudicators*, (Nov. 30, 2018) (Report to the Admin. Conf. of the U.S.),

<https://www.acus.gov/report/final-report-recusal-rules-administrative-adjudicators>.

## LOUIS J. VIRELLI III

*The Census and the APA – Making Citizenship Arbitrary*, ACS BLOG EXPERTFORUM (Apr. 10, 2018), <https://www.acslaw.org/expertforum/the-census-and-the-apa-making-citizenship-arbitrary/>.

*Scholarship highlight: Supreme Court recusal and the separation of powers*, SCOTUSBLOG (Feb. 8, 2013), <https://www.scotusblog.com/2013/02/scholarship-highlight-supreme-court-recusal-and-the-separation-of-powers/>.

### RECENT / FORTHCOMING PRESENTATIONS

*Organizer and Moderator, The Nineteenth Amendment at 100: Its Contribution and Legacy*, AALS Annual Meeting, January 2020.

*Administrative Recusal: Law and Challenges*, Federal Administrative Law Judges Conference, September 2019.

*Agency Deadlocks*, Admin. Law Discussion Forum, July 2019.  
(Co-sponsored by Academia Sinica (Taiwan), Alabama, Louisville, Luxembourg, Texas A&M, Université de Lyon, and Université Paris Dauphine).

*Organizer and Moderator, Presidential Control of Administrative Agencies*, AALS Annual Meeting, January 2019.

*Recusal Rules for Administrative Adjudicators*, ACUS Plenary Session, December 2018.

*Reviewer, New Voices in Administrative Law Program*, AALS Annual Meeting, 2015-2019.

*Secret Policies* (w/ Ellen Podgor), Privacy Law Discussion Forum, July 2017.  
(Co-sponsored by Alabama, Emory, Florida, Louisville, Paris I (Sorbonne), Uppsala, and Windsor).

*The Separation of Powers in a New Administration*, Tau Epsilon Rho Law Society, February 2017.

*Deferring to a Tie: Applying Chevron to Split Agency Decisions*, Admin. Law Discussion Forum, July 2016.  
(Co-sponsored by Alabama, Emory, Louisville, Luxembourg, Mercer, Stetson, and Academia Sinica).

*Supreme Court Recusal and the Constitution*, Symposium, Georgia State Univ. Law Review, February 2016.

*Commentator, Administrative Law Scholarship Workshop*, SEALS Annual Meeting, July 2015.

*Supreme Court Update Panel*, SEALS Annual Meeting, July 2015.

*Administrative Recusal*, Administrative Law Discussion Forum, July 2015.  
(Co-sponsored by Alabama, Emory, Louisville, Luxembourg, Stetson, and Academia Sinica).

*The First Amendment, Criminal Law, and Judicial Recusal*, First Amendment Discussion Forum, June 2014.  
(Co-sponsored by Emory, Louisville, Luxembourg, Notre Dame, Stetson, and Windsor).

*A Policymaking Interest in Administrative Abstention?*, Administrative Law Discussion Forum, December 2013.  
(Co-sponsored by Aix-Marseille, Alabama, Emory, Louisville, and Luxembourg).

*Discussant, Administrative Procedure: Accountability or Regulatory Roadblock?* SEALS Annual Meeting 2013.

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*Deconstructing Arbitrary and Capricious Review*, New Voices in Administrative Law Program, AALS Annual Meeting, January 2013.

*Science, Politics and Administrative Legitimacy*, ABA Section of Administrative Law and Regulatory Practice, Administrative Law Conference, October 2012.

*Science, Politics and Administrative Legitimacy*, Administrative Law Discussion Forum, June 2012.  
(Co-sponsored by Louisville and Luxembourg).

*Congress, the Constitution, and Supreme Court Recusal*, LSU Law Center Faculty Workshop, Spring 2012.

*Politics, Ethics, and the Supreme Court: The Present and Future of Supreme Court Recusal*, AALS Hot Topics Panel, AALS Annual Meeting, January 2012.

*Supreme Court Update Panel*, SEALS Annual Meeting, July 2011.

*Traditionalism in the Roberts Court*, Constitutional Law Discussion Forum, Dec. 2010.  
(Co-sponsored by Alabama, Arkansas, Emory, Louisville, and Windsor).

*Traditionalism in the Roberts Court*, Florida Int'l University Law School Faculty Workshop, Dec. 2009.

*Traditional Constitutionalism*, SEALS Annual Meeting, Aug. 2009.

*Making Lemonade: A New Approach to Evaluating Evolution Disclaimers Under the Establishment Clause*, SEALS Annual Meeting, July 2008.

### EDUCATION

J.D. 2000            University of Pennsylvania Law School, Philadelphia, PA  
Honors:    *Cum laude*  
                         Best Oralist and Winning Team, Keedy Cup Moot Court Competition  
                         Articles Editor, *University of Pennsylvania Journal of Constitutional Law*

M.S.E. 1997        University of Pennsylvania School of Engineering, Philadelphia, PA  
Honors:    University Fellowship (Bioengineering)

B.S.E. 1996        Duke University, Durham, NC  
Honors:    *Cum laude* (Biomedical and Mechanical Engineering)

### PROFESSIONAL AWARDS AND POSITIONS

Chair, AALS Section on Constitutional Law, 2019-2020.

Board Member, Southeastern Association of Law Schools, 2016-2019.

Co-Managing Editor, *Administrative & Regulatory Law News* (ABA Section on Administrative Law and Regulatory Practice), 2016-2020.

Chair, AALS Section on Administrative Law, 2018-2019.

## **LOUIS J. VIRELLI III**

Chair, SEALS Works-in-Progress Committee, 2016-present.

Leroy Highbaugh Sr. Research Chair, Stetson University College of Law, 2013-2015.

Dickerson-Brown Award for Excellence in Faculty Scholarship, Stetson University College of Law, May 2012.

Branton Excellence in Teaching Award, Stetson University College of Law, May 2011.

United States Department of Agriculture Office of the Inspector General, Award of Excellence, 2007.

United States Department of Justice, Civil Division Special Commendation Award, December 2006.

### **BAR MEMBERSHIPS**

Commonwealth of Massachusetts, 2001.

Third Circuit Court of Appeals, 2002.

Ninth Circuit Court of Appeals, 2004.