

JIM ROSSI

University of North Carolina
School of Law
CB #3380
Chapel Hill, NC 27599-3380
919/843-7896
jrossi@email.unc.edu

Date of Birth: October 5, 1965

ACADEMIC POSITIONS

Professor of Law, University of North Carolina at Chapel Hill (2002 – present)

Joined faculty as tenured, full Professor in 2002. Courses taught include: Torts, Administrative Law, Regulated Industries and Energy Law. Other teaching interests include Constitutional Law, State Constitutional Law and Antitrust.

Patricia A. Dore Associate Professor, Florida State University College of Law (1995-2002)

Assistant Professor, 1995-99; Tenure and Promotion to Associate Professor awarded, 1999; Professorship awarded, 1996, at age 30.

Visiting Professor, University of Texas School of Law (2000-01 academic year)

Visiting Assistant Professor, Chicago-Kent College of Law (1994-95 academic year)

PUBLICATIONS (draft papers available at papers.ssrn.com/sol3/cf_dev/AbsByAuth.cfm?per_id=55977)

BOOKS AND CHAPTERS

FRED BOSSELMAN, JIM ROSSI, & JACQUELINE LANG WEAVER, ENERGY, ECONOMICS AND THE ENVIRONMENT: CASES AND MATERIALS (Foundation Press 2000) (1318 pages; also 200 page teacher's manual)

Casebook website at www.unc.edu/~jrossi/energybook/.

Jim Rossi, *Universal Service in Competitive Retail Electric Markets: Refin(anc)ing the Duty to Serve for a Post-Natural Monopoly Era*, chapter in THE END OF A NATURAL MONOPOLY (Peter Grossman and Daniel Cole, eds., JAI Press 2003)

Mark Seidenfeld, Jim Rossi, & William Jordan, *Judicial Review*, chapter in ANNUAL DEVELOPMENTS IN ADMINISTRATIVE LAW (ABA Section of Administrative Law & Regulatory Practice 2001)

LEGAL JOURNALS

Jim Rossi, *The Electric Power Deregulation Fiasco: Looking to Regulatory Federalism to Promote a Balance Between Markets and the Provision of Public Goods*, 100 MICHIGAN LAW REVIEW 1768-1790 (2002) (book review essay)

Jim Rossi, *Bargaining in the Shadow of the Administrative State: Rulemaking Settlement and the Public Interest*, 51 DUKE LAW JOURNAL 1015-1058 (2001) (annual administrative law symposium) <online at <http://www.law.duke.edu/shell/cite.pl?51+Duke+L.+J.+1015>>

Jim Rossi, *Overcoming Parochialism: Institutional Design and State Administrative Procedure*, 53 ADMINISTRATIVE LAW REVIEW 551-574 (2001) (symposium on state administrative law)

Jim Rossi, *Respecting Deference: Conceptualizing Skidmore Within the Architecture of Chevron*, 42 WILLIAM & MARY LAW REVIEW 1105-1147 (2001)

Susan Rose-Ackerman & Jim Rossi, *Disentangling Deregulatory Takings*, 86 VIRGINIA LAW REVIEW 1435-1495 (2000)

Jim Rossi, *Government Litigant Advantage, The Rule of Law, and the Unitary Executive*, 28 FLORIDA STATE UNIVERSITY LAW REVIEW 459-469 (2000) (symposium on Regulatory Theory & Administrative Law) <online at <http://www.law.fsu.edu/journals/lawreview/downloads/281/Rossi2.pdf>>

Mark Seidenfeld & Jim Rossi, *The False Promise of the "New" Nondelegation Doctrine*, 76 NOTRE DAME LAW REVIEW 1-19 (2000)

Jim Rossi, *Universal Service in Competitive Retail Electric Markets: Whither the Duty to Serve?*, 21 ENERGY LAW JOURNAL 27-49 (2000)

Jim Rossi, *Institutional Design and the Lingering Legacy of Antifederalist Separation of Powers Ideals in the States*, 52 VANDERBILT LAW REVIEW 1167-1240 (1999) <online at <http://law.vanderbilt.edu/lawreview/vol525/rossi.pdf>>

Jim Rossi, *ALJ Final Orders on Appeal: Balancing Independence with Accountability*, 19 JOURNAL OF THE NATIONAL ASSOCIATION OF ADMINISTRATIVE LAW JUDGES 1-23 (1999)

Jim Rossi, *Statutory Nondelegation: Learning from Florida's Recent Experience in Administrative Procedure Reform*, 8 WIDENER JOURNAL OF PUBLIC LAW 301-345 (1999) (contribution to symposium on state administrative procedure)

Jim Rossi, *Hamstringing State Agency Authority to Promulgate Rules: A Questionable Way to Improve Environmental Regulation*, 29 ENVIRONMENTAL LAW REPORTER 10735-10745 (Environmental Law Institute 1999)

Jim Rossi, *The Irony of Deregulatory Takings*, 77 TEXAS LAW REVIEW 297-320 (1998) (book review)

Jim Rossi, *The Common Law "Duty to Serve" and Protection of Consumers in an Age of Competitive Retail Public Utility Restructuring*, 51 VANDERBILT LAW REVIEW 1233-1321 (1998)

Jim Rossi, *Public Choice Theory and the Fragmented Web of the Contemporary Administrative State*, 96 MICHIGAN LAW REVIEW 1746-1777 (1998) (book review)

Jim Rossi, *Participation Run Amok: The Deliberative Costs of Mass Participation in Agency Decisionmaking*, 92 NORTHWESTERN UNIVERSITY LAW REVIEW 173-249 (1997)

Jim Rossi, *Waivers, Flexibility and Reviewability*, 72 CHICAGO-KENT LAW REVIEW 1359-1375 (1997) (comment for administrative law symposium)

Jim Rossi, *The 1996 Revised Florida Administrative Procedure Act: A Rulemaking Revolution or Counter-Revolution?*, 49 ADMINISTRATIVE LAW REVIEW 345-376 (1997)

Jim Rossi, *The 1996 Revised Florida Administrative Procedure Act: A Survey of Major Provisions Affecting Florida Agencies*, 24 FLORIDA STATE UNIVERSITY LAW REVIEW 283-307 (1997) <online at <http://www.law.fsu.edu/journals/lawreview/downloads/242/rossi.pdf>>

Jim Rossi, *Making Policy Through the Waiver of Regulations at the Federal Energy Regulatory Commission*, 47 ADMINISTRATIVE LAW REVIEW 255-297 (1995)
- reprinted in 18 PUBLIC UTILITIES LAW ANTHOLOGY 231-275 (Pt. I, Jan.-June 1995)

Jim Rossi, *Lessons from the Procedural Politics of the "Comprehensive" National Energy Policy Act of 1992*, 19 HARVARD ENVIRONMENTAL LAW REVIEW 195-240 (1995)

Jim Rossi, *Redeeming Judicial Review: The Hard Look Doctrine and Federal Regulatory Efforts to Restructure the Electric Utility Industry*, 1994 WISCONSIN LAW REVIEW 763-837
-reprinted in 17 PUBLIC UTILITIES LAW ANTHOLOGY 777-853 (Pt. II, July-Dec. 1994)

Jim Rossi, *Some Recent Ideas in Substantive Moral Philosophy and Their Relevance to Law*, 12 LAW & PHILOSOPHY 407-416 (1993) (book review)

Jim Rossi & Mollie Weighner, *Student Project: An Empirical Examination of the Iowa Bar's Approach to Regulating Lawyer Advertising*, 77 IOWA LAW REVIEW 179-268 (1991)

BAR AND TRADE PUBLICATIONS

Jim Rossi & Rachel Peterkin, *American Rivers, Inc. v. Federal Energy Regulatory Commission: Second Circuit Further Restricts FERC's Authority to Reject State Water Conditions*, 6 RIVERS: STUDIES IN THE SCIENCE, ENVIRONMENTAL POLICY, AND LAW OF INSTREAM FLOW 204-09 (1998)

Jim Rossi, *Florida's 1996 Revised APA*, ABA ADMINISTRATIVE & REGULATORY LAW NEWS, Fall 1996, at 9

Jim Rossi, *Protecting the Administrative Process from Encroachment by Federal Antitrust Laws*, 17 ADMINISTRATIVE LAW SECTION NEWSLETTER 1 (May 1996)

Jim Rossi, *Overview: Tempering Special Interest Politics in Economic Restructuring*, 18 PUBLIC UTILITIES LAW ANTHOLOGY xix-xxv (Pt. I, Jan.-June 1995)

Jim Rossi, *Moving Beyond Special Interest Politics in Electric Utility Industry Restructuring*, PUBLIC UTILITIES FORTNIGHTLY, October 15, 1995 at 31-33

Harold Krent & Jim Rossi, *Avoiding a Mistake With Corrections Day*, LEGAL TIMES, April 3, 1995, at 22 (with Harold Krent); *'Corrections Days' Obscure the Need for Accountability*, NEW JERSEY LAW JOURNAL, April 3, 1995, at 25 (same)

PRESENTATIONS AND OUTREACH

Select Academic Workshops and Symposia:

- Faculty Workshop, University of San Diego School of Law (September 2002)
- Olin Law & Economics Seminar Workshop, University of Southern California Law School (September 2002)
- Faculty Workshop, University of North Carolina School of Law (December 2001)
- Environmental Law Workshop, Georgetown University Law Center (November 2001)
- Faculty Workshop, Washington & Lee University School of Law (October 2001)
- Presenter, Southeastern Association of American Law Schools Annual Meeting (July 2001)
- Faculty Workshop, University of Houston Law Center (April 2001)
- Presenter, Duke Administrative Law Conference (March 2001)
- Commentator, Florida State University Symposium on the Law of Presidential Elections (March 2001)

- Faculty Workshop, University of Iowa College of Law (February 2001)
- Panelist, AALS Town Hall Meeting on the 2000 Presidential Election (January 2001)
- Faculty Workshop, Case Western Reserve University School of Law (November 2000)
- Faculty Workshop, University of Texas School of Law (October 2000)
- Speaker and Facilitator, AALS Conference on Teaching Administrative Law (March 2000)
- Faculty Workshop, Florida State University College of Law (February 2000)
- Commentator, Florida State University Law Review Symposium on Regulatory Theory (February 2000)
- Panelist, Conference on Distance Learning in Legal Education, Chicago-Kent College of Law, Illinois Institute of Technology (June 1999)
- Moderator and Speaker, Illinois Institute of Technology Workshop on Electricity Deregulation (June 1999)
- Faculty Workshop, University of Florida College of Law (April 1999)
- Faculty Workshop, Florida State University College of Law (March 1999)
- Faculty Workshop, College of William and Mary, Marshall-Wythe School of Law (March 1999)
- Panelist, Conference on Electric Utility Restructuring and the Duty to Serve, Chicago-Kent College of Law, Illinois Institute of Technology (October 1997)
- Moderator and Commentator, symposium on the Administrative Procedure Act, Chicago-Kent College of Law, Illinois Institute of Technology (April 1997)

Select Continuing Legal Education and Law Reform:

- Presenter, Panel on the Administrative States, ABA Section of Administrative Law and Regulatory Practice, Philadelphia, Pennsylvania (February 2002)
- Presenter, Florida Bar Public Utility Law Program, Tallahassee, Florida (October 2001)
- Panelist, National Association of Administrative Law Judges Annual Meeting, Charlotte, North Carolina (September 1999)
- Speaker, Symposium on Pennsylvania's Administrative Procedure Act, Widener University School of Law (February 1999)
- Panelist, What Can States Learn from Federal Administrative Law?, Pat Dore Conference on Administrative Law, Tallahassee, Florida (October 1998)
- Panelist, The Strange New World of Deregulatory Takings, Section of Administrative Law & Regulatory Practice, ABA Annual Meeting, Toronto, Canada (August 1998)
- Instructor, Various Computer Research Courses for Judges, Section of Administrative Law & Regulatory Practice, ABA Annual Meeting, Toronto, Canada (August 1998)
- Moderator, Consumer Protection Panel, Conference on Retail Wheeling and Competition in the Electric Utility Industry (Florida Bar CLE) (February 1998)

- Keynote Speaker, National Association of Administrative Rules Review (Council of State Governments Annual Meeting), Honolulu, Hawaii (December 1997)
- Panelist, ABA Section on Administrative Law & Regulatory Policy, Orlando, Florida (August 1996)
- Panelist, National Association of Administrative Rules Review (Council of State Governments Annual Meeting), Cleveland, Ohio (December 1996)
- Presenter and panelist, Pat Dore Conference on Administrative Law, Tallahassee, Florida (October 1996)

Media:

- Opinion/editorial pieces for *Chicago Tribune*; *Des Moines Register*; *Legal Times*; *Tallahassee Democrat*
- Quoted on administrative and regulatory matters in *Corpus Christi Caller-Times*; *Energy Users' News*; *Miami Herald*; *Orlando Sentinel*; *Raleigh News & Observer*; *San Antonio Express-News*; *St. Petersburg Times*; *Sun-Sentinel*; *Tallahassee Democrat*; *Tampa Tribune*
- Quoted during 2000 presidential dispute in *Austin-American Statesman*; *Bloomberg News*; *Boston Globe*; *Charleston (WV) Gazette & Daily Mail*; *Denver Post*; *Florida Times-Union*; *Fulton County Daily Report*; *Herald Sun (Durham, NC)*; *Hotline*; *International Herald Tribune*; *Legal Times*; *Los Angeles Times*; *Miami Herald*; *Raleigh News & Observer*; *San Antonio Express News*; *Seattle Times*; *The Tennessean*; *US New & World Report* (cover story); *Washington Post*.
- Broadcast media interviews for ABC News, local radio stations

EDUCATION

Yale Law School: LL.M., 1994

- *Olin Fellow*, Yale Center for the Study of Law, Economics, and Public Policy (Summer 1994)

University of Iowa College of Law: J.D., 1991, with High Distinction

- Articles Editor, IOWA LAW REVIEW (1990-91)

Honors College at Arizona State University, Tempe: B.S., 1988, Summa Cum Laude (Economics Major)

- Award, *Outstanding Undergraduate in Economics* (1988)

OTHER LEGAL EXPERIENCE

Associate Attorney, *Miller, Balis & O'Neil*, Washington, D.C. (1993)

Associate Attorney, *Sutherland, Asbill & Brennan*, Washington, D.C. (1991-93)

SERVICE, ACTIVITIES, and AFFILIATIONS

University of North Carolina School of Law: Co-Editor, University of North Carolina Public Law and Legal Theory Research Paper Series (www.ssrn.com); Chair, Web & Technology Committee (2002-03); Appointments Committee (2002-03)

Florida State University College of Law: Organized “The Law of Presidential Elections: Issues in the Wake of Florida 2000,” symposium published at 29 *Florida State University Law Review* (2001); Faculty Advisor, *Florida State University Law Review*; Co-Editor, Florida State University Public Law and Legal Theory Faculty Working Paper Series (www.ssrn.com); Associate Dean for Technology, 1998-99; Faculty Advisor, OutLaw; Chair, Academic Enrichment Committee (2001-02); Appointments Committee (1996-97, 1997-98, 1999-2000, 2001-02); Academic Enrichment Committee (1997-98); Curriculum Committee (1998-99); Ad Hoc Diversity Committee (1995-96); Technology and Library Committee (1995-99); University-Wide Committee on Technology and Libraries (1996)

American Bar Association: Member of Section Council, Section of Administrative Law & Regulatory Practice (2000 – present); Co-Chair, State Administrative Law Committee, Section of Administrative Law & Regulatory Practice (1998 - present) (also served as Vice-Chair, 1996-98); Co-Reporter, Blackletter Statement of Administrative Law, developed by Section of Administrative Law & Regulatory Practice and published at 54 *Administrative Law Review* 1 (2002); Founder (1996) and Coordinator, *ABA Administrative Procedure Database*, on the Internet at www.law.fsu.edu/library/admin/ (first generation Internet research tool)

Florida: Appointed Member, Florida Governor’s State Technology Office, Privacy and Technology Task Force (2000 - 2002); Member, Project Advisory Group, Florida Conflict Resolution Consortium. State Agency Dispute Resolution Pilot Project (1998-2000)

Legal Education: Member, Advisory Committee, *Jurist - Law Professors on the Web*, on the Internet at <http://www.law.pitt.edu/hibbitts/jurist.htm> (1996 - present); Member, Technology Committee, American Bar Association Section of Legal Education and Admissions to the Bar (1998 - present)

World Bank: Consultant on matters of risk and direct foreign private investment in infrastructure

Rossi, 10/2002

Pro Bono representation in administrative law matters for Florida Chapter of National Association for the Advancement of Colored People (briefed standing issues in context of challenge to state's end of affirmative action in university admissions)

Admitted to Practice, District of Columbia (1993); also admitted to Virginia Bar (1991)