

AMANDA FROST
American University Washington College of Law
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EMPLOYMENT

AMERICAN UNIVERSITY WASHINGTON COLLEGE OF LAW 2004-present
Associate professor of law. Courses: Civil Procedure, Federal Courts and Federal Jurisdiction, Legislation.

HARVARD LAW SCHOOL Fall 2007
Visiting associate professor of law. Courses: Civil Procedure; Courts and Congress (seminar).

SENATE JUDICIARY COMMITTEE, U.S. SENATOR EDWARD KENNEDY Summer 2006
Legislative Fellow. Advised the Senator on legal and policy issues concerning legislation affecting the courts and judicial nominations. Drafted legislative history. Prepared the Senator for hearings.

PUBLIC CITIZEN 1998-2001; 2002-2004
Staff attorney. Litigated cases in the federal courts of appeals and the United States Supreme Court. Practice areas: administrative law, constitutional law, open government, access to courts, class actions, free speech, consumer health and safety.

FULBRIGHT SCHOLAR 2001-2002
Awarded fellowship to study transparency reform in the European Union. Studied at the Sorbonne, Universite Paris I in Paris, France and at the European University Institute in Florence, Italy.

U.S. COURT OF APPEALS FOR THE D.C. CIRCUIT 1997-1998
Law clerk to Judge A. Raymond Randolph.

EDUCATION

HARVARD LAW SCHOOL, J.D. June 1997, *magna cum laude*

HARVARD COLLEGE, B.A. in History & Literature of America, June 1993, *cum laude*

ACADEMIC PUBLICATIONS

The Limits of Advocacy, 59 DUKE LAW JOURNAL __ (forthcoming 2009)

Overvaluing Uniformity, 94 VIRGINIA LAW REVIEW 1567 (2008).

Certifying Questions to Congress, 101 NORTHWESTERN UNIVERSITY LAW REVIEW 1 (2007).

The State Secrets Privilege and Separation of Powers, 75 FORDHAM LAW REVIEW 1931

(2007). [Cited in *Al-Haramain Islamic Foundation, Inc. v. Bush*, 507 F.3d 1190 (9th Cir. 2007).]

Keeping Up Appearances: A Process-Oriented Approach to Judicial Recusals, 53 KANSAS LAW REVIEW 531 (2005).

Restoring Faith in Government: Transparency Reform in the United States and the European Union, 9 EUROPEAN PUBLIC LAW 87 (March 2003).

Judicial Review of FDA Preemption Determinations, 54 FOOD AND DRUG LAW JOURNAL 367 (1999).

TESTIMONY & NON-ACADEMIC PUBLICATIONS

Only a Partial Win, Op-Ed, National Law Journal, Jun. 15, 2009.

One Dollar for Every West Virginian: The Crazy Judicial Corruption Case the Supreme Court Should Hear, Slate, Oct. 10, 2008, <http://www.slate.com/id/2201960/>

Reforming the State Secrets Privilege, an issue brief published by the American Constitution Society (co-authored with Justin Florence), <http://www.acslaw.org/node/7523>.

Reforming the State Secrets Privilege, submitted to the Constitution Subcommittee of the U.S. Senate Judiciary Committee for its Hearing on Restoring the Rule of Law (co-authored with Justin Florence), <http://feingold.senate.gov/ruleoflaw/testimony/frost.pdf>

Testimony Before the U.S. Senate Judiciary Committee on the Nomination of Judge Samuel A. Alito, Jr. to the U.S. Supreme Court, Jan. 13, 2006, http://judiciary.senate.gov/hearings/testimony.cfm?id=1725&wit_id=4911

PRESENTATIONS, WORKSHOPS & CONFERENCES

Roundtable on Judicial Decisions of Judge Sonia Sotomayor, C-Span, July 1, 2009.

Competing Judicial Philosophies

Presentation at the Supreme Court Summer Institute for Teachers, Wash., D.C., Jun. 29, 2009.

The Limits of Advocacy

Presentation at University of Texas Law School's faculty workshop, Austin, TX, Apr. 17, 2009.

Judicial Elections and Due Process

Panel discussion of upcoming Supreme Court argument in *Caperton v. Massey*. Sponsored by the American Constitution Society. Washington, DC, Feb. 26, 2009.

The Limits of Advocacy

Presentation at Notre Dame Law School's faculty workshop, South Bend, IN, Nov. 14, 2008.

The Limits of Advocacy

Presentation at the University of Georgia Law School's faculty workshop, Athens, GA, Oct. 20, 2008.

The Limits of Advocacy

Presentation at Junior/Senior Faculty Workshop on Judges & Judging, Washington, D.C., Sept. 12, 2008.

A Debate on the Dirty Dozen: The Worst Supreme Court Cases in Modern History?

Moderated debate on the book *THE DIRTY DOZEN: HOW TWELVE SUPREME COURT CASES RADICALLY EXPANDED GOVERNMENT AND ERODED FREEDOM*, co-authored by Robert Levy and William Mellor. Co-sponsored by the American Constitution Society and the Cato Institute. Washington, D.C., July 31, 2008.

Federal Courts Junior Faculty Workshop

Co-hosted a workshop for junior faculty teaching and writing in the area of Federal Courts. Washington, D.C., Apr. 3 & 4, 2008.

District of Columbia v. Heller: The Advocates Speak

Moderated discussion about Supreme Court oral argument in *District of Columbia v. Heller* by advocates for the parties. Sponsored by the American Constitution Society. Washington, D.C., March 18, 2008

Overvaluing Uniformity

Presentation at Harvard Law School's faculty workshop, Cambridge, MA, December 6, 2007.

Overvaluing Uniformity

Presentation at Boston University Law School's faculty workshop, Boston, MA, October 25, 2007.

Constitutional Updates

Presented at the National Association of Administrative Law Judiciary's Annual Meeting, panel on recent constitutional cases of relevance to ALJs. Washington, D.C., October 18, 2007.

Overvaluing Uniformity

Presentation at Monash Law School's faculty workshop, Melbourne, Australia, August 8, 2007.

The State Secrets Privilege and Separation of Powers

Presentation at the Law & Society Conference, Panel on Government Secrecy, Humboldt University, Berlin, Germany, July 25, 2007.

The State Secrets Privilege and Separation of Powers

Presentation at Wake Forest Law School's faculty workshop. Winston-Salem, NC, April 19, 2007.

Moderated discussion of *Davenport v. Washington Education Association* at the National Press Club, Washington, D.C. January 4, 2007.

Policing Side Settlements

Presentation at AALS Annual Meeting, Panel on Ethics in Class Action Litigation. Washington, D.C. January 6, 2007.

Certifying Questions to Congress

Presentation at Washington University Law School's faculty workshop. St. Louis, MO, October 30, 2006.

The State Secrets Privilege and Separation of Powers

Participant in junior faculty workshop, Washington & Lee Law School. Lexington, VA, Oct. 20, 2006.

Certifying Questions to Congress

Presentation at Pace University School of Law's faculty workshop. White Plains, NY, April 24, 2006.

Certifying Questions to Congress

Presentation at Nebraska Law School's faculty workshop. Lincoln, NE, March 9, 2006.

Certifying Questions to Congress

Presentation at 2005 Southeastern Association of Law Schools conference. Hilton Head, S.C., July 20, 2005.

Developing a Winning Rulemaking Strategy

Panelist at the ABA's Section of Administrative Law and Regulatory Practice conference. Washington, D.C., April 8, 2005.

The Federal Advisory Committee Act: The Public Interest Perspective

Presentation at the Federal Advisory Committee Act Training, sponsored by the Government Services Administration. Washington, D.C., June & August, 2001-2004.

Restoring Faith in Government: Transparency Reform in the United States and the European Union

Panel Presentation at "Colloque sur Gouvernance et Identités en Europe," sponsored by the Sorbonne, Université Paris I. Paris, France, December 2001.

NGOs' Role in the Implementation of Open Government Laws in the United States

Panel presentation at Symposium on implementation of open government laws in Slovakia, Bulgaria and the Czech Republic, hosted by the Open Society Foundation. Bratislava, Slovakia, October 2000.

The U.S. Freedom of Information Act: Lessons Learned from Thirty Years Experience With the Law

Presentation at conference on implementation of open government laws, sponsored by Yakugai Ombudsperson Medwatcher Japan. Tokyo, Japan, November 1999.

CONSULTANCIES

THE CHINA LAW CENTER, YALE LAW SCHOOL

2003-present

Consultant to Chinese government officials seeking to draft and adopt open government policies.

U.S. AGENCY FOR INTERNATIONAL DEVELOPMENT

1999-2001

Served as a consultant on open government laws for United States Agency for International Development's Administrative Code Reform Project in the Republic of Georgia and for Rule of Law Project in Indonesia.

OPEN SOCIETY FOUNDATION

2000

Served as an advisor to the Open Society Foundation's open government reform project in Slovakia, Bulgaria, and the Czech Republic.

SELECTED CASES

Shady Grove Orthopedic Associates, P.A. v. Allstate Insurance Co., No. 08-1008 (U.S.): Submitted amicus brief on behalf of public interest law firm arguing that state law cannot bar class actions in federal court.

Peoples v. Corrections Corporation of America, 422 F.3d 1090 (10th Cir. 2005), *rev'd in part, aff'd in part by an equally divided court en banc*, 449 F.3d 1097 (10th Cir. 2006): Argued that prisoner may bring a *Bivens* action against private prison guards for violating prisoners' Eighth Amendment rights. (Lead counsel).

Clark v. Colorado Dep't of Corrections, No. 05-816 (U.S.), *granted, vacated, and remanded to the Tenth Circuit*: Argued that the Prison Litigation Reform Act did not require dismissing prisoner's case on the ground that one of the claims brought had not been exhausted. (Lead counsel)

Roell v. Withrow, 538 U.S. 580 (2003): Argued that Federal Magistrates Act requires explicit consent of all parties before a magistrate may issue a dispositive ruling. (Lead counsel).

Virginia v. Hicks, 539 U.S. 113 (2003): Challenged constitutionality of City of Richmond's law prohibiting non-residents from walking on streets and sidewalks surrounding Richmond's public housing projects. (Co-counsel).

Public Citizen v. U.S. Department of Health and Human Services, 332 F.3d 654 (D.C. Cir. 2003): Challenged HHS policy barring Medicare beneficiaries from obtaining results of investigations into their complaints about the quality of Medicare services. (Lead counsel).

James Miles v. S.C. Johnson & Son, No. 00-C-3278 (N.D. Ill. 2002): Challenged claim that state-law claims are preempted by Federal Hazardous Substance Act and the Poison Prevention Packaging Act. (Lead counsel).

In re Telectronics Pacing Systems, Inc., 221 F.3d 870 (6th Cir. 2000): Challenged approval of limited fund class action settlement. (Lead counsel).

Public Citizen Health Research Group v. FDA, No. 99-177 (D.D.C. 1999): Challenged under the Federal Advisory Committee Act FDA's practice of failing to make advisory committee materials available to the public before or at advisory committee meetings. (Lead Counsel).

Public Citizen Health Research Group v. FDA, 185 F.3d 898 (D.C. Cir. 1999): Sought access under Freedom of Information Act to information in Investigational New Drug applications concerning drugs abandoned because of health and safety concerns. (Lead counsel).

ACADEMIC SERVICE

Special Projects Committee (2004-05)

Appointments Committee (2005-06)

Public Interest/Public Service Fellowship Selection Committee (2005, 2006, 2007, 2008)

Public Interest Committee (2006-07)

Moot Court Committee (Spring 2008)

Equal Justice Foundation Grant Selection Committee (2005, 2006, 2007, 2008)

S.J.D. Selection Committee (2008)

Self-Study Committee (2008-10)