

HAROLD J. KRENT

(312) 906-5010 (W)

Work Experience

- 1994 - Professor, Chicago-Kent College of Law (Associate Dean since 1997; Dean since 2002)
- 1987 - 1993: Assistant Professor of Law, University of Virginia Law School
- 1983 - 1987: Attorney, Department of Justice Civil Division, Appellate Staff
- 1982 - 1983: Law clerk for the Honorable William H. Timbers (2d Cir.)

Education

New York University School of Law (J.D. 1982)

Law Review: Note and Comment Editor
Order of the Coif; Kapelsohn Prize (legal writing in labor law); Rubin Prize (best law review note in commercial or international law area - 56 N.Y.U. L. Rev. 694); Cahn Award (superior achievement as Law review editor)

Princeton University (A.B. 1977)

Publications

Inconsistency and Angst in District Court Resolution of Social Security Disability Appeals, 67 *Hast. L. J.* 367 (2016) (with Scott Morris).

Presidential Control of Adjudication Within the Executive Branch, 65 *C.W.R.U. L. Rev.* 1083 (2015) (symposium).

Retroactivity and Crack Sentencing Reform, 47 *U. Mich. J. Law Reform* 53 (2013).

Federal Power, Non-Federal Actors: The Ramifications of *Free Enterprise Fund*, 79 *Fordham L. Rev.* 2425 (2011) (symposium).

The Private Performing the Public: Delimiting Delegation to Private Parties, 65 *U. Miami. L. Rev.* 507 (2011) (symposium).

The Sometimes Unitary Executive: Presidential Practice Throughout History, 25 *Const. Commentary* 489 (2009).

From a Unitary to a Unilateral Presidency, 88 B.U.L. Rev. 523 (2008) (symposium).

E-Commerce, The Internet, and the Law (West 2007) (with R. Warner, G. Dinwoodie, M. Stewart) (privacy chapter).

Presidential Powers (N.Y.U. Press 2005).

The Continuity Principle, Administrative Constraint, and the Fourth Amendment, 81 Notre Dame L. Rev. 53 (2005).

Conditioning the President's Conditional Pardon Power, 89 Cal. L. Rev. 1665 (2001).

Judging Judging: The Problem of Secondguessing State Judges' Interpretation of State Law in Bush v. Gore, 28 Fla. St. U. L. Rev. 493 (2001) (symposium).

Laidlaw: Redressing the Law of Redressability, 12 Duke Envtl. L. & Pol'y F. 85 (2001) (symposium).

Federal Agency Ombuds: The Costs, Benefits and Countenance of Confidentiality, 52 Admin. L. Rev. 17 (2000).

Monitoring Governmental Disposition of Assets: Regulatory Substitutes for Market Controls, 52 Vand. L. Rev. 1705 (1999) (with Nicholas Zeppos).

How to Move Beyond the Exclusionary Rule: Structuring Judicial Response to Legislative Reform Efforts, 26 Pepp. L. Rev. 855 (1999) (symposium).

The Supreme Court as an Enforcement Agency, 55 Wash. & Lee L. Rev. 1149 (1998).

Should *Bouie* Be Buoyed?: Judicial Retroactive Lawmaking and the Ex Post Facto Clause, 3 Roger Wms. U. L. Rev. 35 (1998) (symposium).

Reviewing Agency Action for Inconsistency with Prior Rules and Regulations, 72 Chi-Kent L. Rev. 1187 (1997) (symposium).

The Puzzling Boundary Between Criminal and Civil Retroactive Lawmaking, 84 Geo. L. J. 2143 (1996).

Turning Congress Into An Agency: The Propriety of Requiring Legislative Findings, 46 C.W.R.U. L. Rev. 731 (1996) (symposium).

Of Diaries and Data Banks: Use Restrictions Under the Fourth Amendment, 74 Tex. L. Rev. 49 (1995).

Delegation and its Discontents, 94 Colum. L. Rev. 201 (1994) (book review essay).

Fee Shifting Under the Equal Access to Justice Act - A Qualified Success, 11 Yale L. & Pol'y Rev. 458 (1993) (based on 1992 Consultant Report to Administrative Conference of the United States).

Explaining One-Way Fee Shifting, 79 Va. L. Rev. 2039 (1993).

Of Citizen Suits and Citizen Sunstein, 91 Mich. L. Rev. 1793 (1993) (with Ethan Shenkman).

Reconceptualizing Sovereign Immunity, 45 Vand. L. Rev. 1529 (1992).

Preserving Discretion Without Sacrificing Deterrence: Federal Governmental Liability in Tort, 38 UCLA L. Rev. 871 (1991).

Fragmenting the Unitary Executive: Congressional Delegations of Administrative Authority Outside the Federal Government, 85 Nw. U. L. Rev. 62 (1990).

Executive Control Over Criminal Law Enforcement: Some Lessons From History, 38 Am. U. L. Rev. 275 (1989) (symposium).

Separating the Strands in Separation of Powers Controversies, 74 Va. L. Rev. 1253 (1988).

Commentary

Distinguishing Between Core and Peripheral Presidential Powers, 94 Chi-Kent L. Rev. 553 (2019).

Creating Precedents Through Words and Deeds, 32 Const. Commentary 513 (2017).

Post-Trial Plea Bargaining and Predictive Analytics in Public Law, 73 Wash. & Lee L. Rev. Online 595 (2017).

Eviction Court and a Judicial Duty of Inquiry, 24 J. Affordable Housing & Community Dev. L. 547 (2016) (with Peter Cheun, Kayla Higgins, Matthew McElwee, and Alexandra McNicholas).

Self-Interested Fiduciaries and the Incubator Movement, 66 Syr. L. Rev. 613 (2016) (with Dawn Young).

“Transitional Benefits for a Subset of the Social Security Disability Insurance Population” in Ideas to Strengthen the Social Security Disability Insurance Program (Infinity 2016) (with Kim Hildred, Pamela Mazerski, and Jennifer Christian).

The Fair Sentencing Act’s Unfair Results, Nat’l L. J. (Mar. 24, 2014).

“Regulating Data Stored Online in the United States,” in When Worlds Collide: Intellectual Property, High Technology, and the Law (Kluwer 2008).

Book Review, 18 Law & Pol. Book Rev. 933 (2008) (reviewing George P. Fletcher and

Jens David Ohlin, *Defending Humanity: When Force Is Justified and Why* (2008)).

Fee Shifting as a Congressional Response to Adventurous Presidential Signing Statements, 16 *Wm & Mary Bill of Rights J.* 211 (2007).

Alberto Gonzales Should Have Learned a Thing or Two from President Cleveland, 30 *Legal Times* 70 (2007).

The Lamentable Notion of Indefeasible Presidential Powers – A Reply to Professor Prakash, 91 *Corn. L. Rev.* 1383 (2006).

Accommodating ALJ Decision Making Independence with Institutional Interests of the Administrative Judiciary, 25 *NAALJ* 1 (2005) (fellowship paper).

Foreword, *The Legacy of Chancellor Kent*, 74 *Chi-Kent L. Rev.* 3 (1998).

“Unitary Executive” in *Encyclopedia of the American Constitution*, Supplement II.

The Fee Shifting Remedy: Panacea or Placebo?, 71 *Chi-Kent L. Rev.* 415 (1996).

Some Skeptical Thoughts About the Growing Convergence of Public and Private Institutions, 95 *APA Newsletter on Philosophy and Law* 54 (Fall 1995).

The Failed Promise of Regulatory Variables, 73 *Wash. U. L. Q.* 1117 (1995).

Avoiding a Mistake with Corrections Day, 17 *Legal Times* 22 (1995) (with James Rossi).

Anthologizing the Administrative State, 44 *J. Leg. Educ.* 609 (1994).

Recent U.S. Supreme Court Work

Argued: United States Postal Serv. v. Flamingo Indus., 540 U.S. 736 (2004).

Amicus: Lucia v. SEC, 138 S. Ct. 2044 (2018).

Southern Union v. United States, 567 U.S. 343 (2012).

Alvarez v. Smith, 558 U.S. 87 (2009).

Dolan v. United States Postal Serv., 546 U.S. 481 (2006).

Consultant Projects

Administrative Conference of the United States

Attorney Fee Shifting

Government Auctions, Leases, and Sales

Social Security Disability Adjudications

Associate Reporter, Restatement of the Administrative Procedure Act

Coalition of Federal Ombuds

Ombuds and Confidentiality

District Attorney’s Office (Chicago); Office of Consumer Affairs (Chicago) on Internet Fraud and Privacy

National Academy of Sciences

Limiting Children's Access to Pornography on the Web

U.S. Department of Justice

Review of Carnivore (privacy)

U.S. Department of State

Ukraine Anti Money Laundering

Mexico Criminal Justice Transition

World Bank

Albania Legal Information Project