

ALISA KLEIN

Wilmington University School of Law

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ACADEMIC APPOINTMENTS

Wilmington University School of Law, Wilmington DE

Associate Professor, 2024-present

Haverford College, Haverford PA

Visiting Professor of Political Science, 2023-2024

Georgetown Law School, Washington DC

Adjunct Professor, 1998-2022

LITIGATION EXPERIENCE

U.S. Department of Justice, Civil Division, Appellate Staff, Washington DC

Senior Level Appellate Counsel for Administrative Law and Litigation, 2022-2024

Assistant Director, 2013-2022

Appeals Counsel, 2010-2013

Line Attorney, 1995-2010

I served for 28 years as a career attorney in an office of about 60 appellate litigators. The principal work of the office is to defend the federal government's laws, programs, and policies in the federal courts of appeals. Illustrative programs that I defended include the Patient Protection and Affordable Care Act (Obamacare), the Family Smoking Prevention and Tobacco Control Act, dozens of FDA actions to curb the youth vaping epidemic, and pandemic-control measures such as HHS's vaccine and mask mandates and the CDC's eviction moratorium. As a member of the office's leadership team, I was responsible for my own litigation and for supervising the work of dozens of line attorneys. I argued more than 100 cases in the federal courts of appeals, briefed hundreds of appellate and Supreme Court cases, and supervised hundreds of briefs and oral arguments. I also coordinated teams of attorneys in complex matters, mentored and trained junior attorneys, served on the office's hiring committee, counseled federal agencies as they formulated their policies, and gave presentations to federal agencies and professional associations on cutting edge administrative-law issues such as the major questions doctrine and judicial deference.

JUDICIAL CLERKSHIPS

Justice Ruth Bader Ginsburg, U.S. Supreme Court, Law clerk, 1994-1995

Judge Louis H. Pollak, U.S. District Court (E.D. Pa.), Law clerk, 1993-1994

EDUCATION

Harvard Law School, J.D., *magna cum laude*, 1993

Sears Prize (awarded to two students with highest GPAs in first-year class)

Harvard Law Review, Editor

Princeton University, B.A., *cum laude*, 1989

Princeton School of Public and International Affairs

Phi Beta Kappa

SIGNIFICANT CASES

Significant matters in which I was involved include:

Kennedy v. Braidwood Management, 145 S. Ct. 2427 (2025) (defending Obamacare's requirement that health insurance cover preventive services recommended by medical experts)
FDA v. Wages & White Lion Investments, 145 S. Ct. 898 (2025) (defending FDA's denial of applications to sell vaping products in flavors attractive to children and adolescents)
Biden v. Missouri, 142 S. Ct. 647 (2022) (defending HHS's requirement that workers in federally funded healthcare facilities be vaccinated against COVID-19 to protect patients)
Alabama Ass'n of Realtors v. HHS, 141 S. Ct. 2485 (2021) (defending the eviction moratorium that the CDC imposed to curb the spread of COVID-19)
King v. Burwell, 576 U.S. 473 (2015) (defending the IRS's payment of billions of dollars of annual subsidies to help people pay premiums for health insurance)
Burwell v. Hobby Lobby, 573 U.S. 682 (2014) (defending HHS's requirement that health insurance plans cover contraceptives)
NFIB v. Sebelius, 567 U.S. 519 (2012) (defending key provisions of Obamacare)
Discount Tobacco v. United States, 674 F.3d 509 (6th Cir. 2012) (defending key provisions of the Family Smoking Prevention and Tobacco Control Act against First Amendment challenges)
United States v. Philip Morris USA, 566 F.3d 1095 (D.C. Cir. 2009) (defending the district court's finding, made after a 9-month trial, that the major cigarette companies had engaged in a decades-long conspiracy to deceive Americans about the health effects of smoking)
Gonzales v. Raich, 545 U.S. 1 (2005) (defending the Controlled Substances Act against a Commerce Clause challenge)
United States v. Morrison, 529 U.S. 598 (2000) (defending the Violence Against Women Act against a Commerce Clause challenge)
Crosby v. National Foreign Trade Council, 530 U.S. 363 (2000) (arguing that Massachusetts' sanctions against Burma were preempted by federal law)
Reno v. Condon, 528 U.S. 141 (2000) (defending the Driver's Privacy Protection Act against Commerce Clause and Tenth Amendment challenges)

BOOKS AND ARTICLES

CONSTITUTIONAL LAW WITH A TWIST, 1st ed. (CALI eLangell) (forthcoming, Dec. 2025)

[*The Judicial Restraint Trilogy: Why the Supreme Court's Decisions from Last Term Offer New Hope for Remedial Discipline*, 47 CAMP. L. REV. 1 \(2024\)](#)

[*Major Questions Doctrine Jujitsu: Using the Doctrine to Rein in District Court Judges*, 76 ADMIN. L. REV. 327 \(2024\)](#)

Back to First Principles: The Constitutional Rationale for Invalidating Local Sanctions Against Foreign Trade, 33 LAW & POLICY IN INT'L BUS. 77 (2001) (with Mark Stern)

The Government's Litigator: Taking Clients Seriously, 52 ADMIN. L. REV. 1409 (2000) (with Mark Stern)

BLOG POSTS

[*Rethinking Removal Protections*, YALE J. ON REGUL: NOTICE & COMMENT \(June 11, 2025\)](#)

[*A Different Perspective on Skidmore Weight After Loper Bright*, YALE J. ON REGUL: NOTICE & COMMENT \(Dec. 2, 2024\)](#)

[*Backing Universal Remedies into a Corner \(Post\)*, YALE J. ON REGUL: NOTICE & COMMENT \(Sept. 17, 2024\)](#)

RECENT AND UPCOMING PRESENTATIONS (NON-GOVERNMENTAL ONLY)

Restoring the Separation of Powers: Practical Strategies to Rein in the Executive, Organizer and panelist, ABA Administrative Law Conference (Nov. 2025)

Was the Push to Overrule Chevron Much Ado About Nothing? Organizer and panelist, ABA Administrative Law Conference (Nov. 2024)

Opportunities and Challenges of Universal Relief, Panelist, Administrative Conference of the United States (ACUS) Forum (Oct. 2024)

Brave New World: Navigating the Administrative State After Loper Bright, Panelist, Richard S. Rodney Inn of Court (Oct. 2024)

Major Questions, Chevron Deference, and the Future of Statutory Interpretation. Panelist, ABA Administrative Law Conference (Nov. 2023)

How Much Deference Do Courts Give to CMS these Days? Panelist, American Health Law Association Conference (Mar. 2021)

COURSES OFFERED

Constitutional Law I

Constitutional Law II

Torts

Wills, Trusts, and Estates

Federalism (law school and undergraduate seminars)

LAW SCHOOL SERVICE AND COMMUNITY SERVICE

Chair, Curriculum Committee (2025-2026)

Chair, Committee on Excellence in Teaching and Assessment (2024-2025)

Member, Faculty Appointments Committee (2024-2026)

Member, Academic Standards Committee (2024-2025)

Member, Task Force on Standard 208 Academic Freedom Policy (2024-2025)

Faculty Advisor, *Wilmington Law Review* (2025-2026)

Moot Court Coach (2025-2026)

Consultant, CALI eLangdell Press (2025-present) (pro bono)

Mentor, The Appellate Project (2021-2024)

HONORS AND AWARDS

Significant awards include the Attorney General's Distinguished Service Award (2023); the Civil Division's Michael F. Hertz Award for Exceptional Professionalism and Outstanding Performance (2017); the Arthur S. Flemming Award for Exceptional Federal Service (2008); the Attorney General's John Marshall Award for Outstanding Legal Achievement in Handling of Appeals (2006); the Federal Bar Association's Younger Federal Lawyers Award (2000); and the Attorney General's Award for Outstanding Contributions by a New Employee (1998).

ADDITIONAL INTERESTS

Behavioral economics

Yoga (novice)

Enthusiastic but mediocre flying trapeze (2012-2017)