

ALISA KLEIN

Wilmington University Farnan School of Law
30 Beaver Valley Rd, Wilmington, DE 19803 | alisa.b.klein@wilmu.edu | (302) 268-1556

ACADEMIC APPOINTMENTS

Wilmington University Farnan 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 this 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 emerging issues in constitutional law and administrative law.

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 the 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

CASEBOOKS

[CONSTITUTIONAL LAW WITH A TWIST: LESS IS MORE, 2d ed. \(CALI eLangdell Press\) \(July 2026\)](#)

FIRST AMENDMENT WITH A TWIST: LESS IS MORE, 1st ed. (CALI eLangdell Press) (forthcoming 2027) (with Kimberly Richardson)

CONSTITUTIONAL LAW WITH A TWIST: LESS IS MORE, 1st ed. (CALI eLangdell Press) (2025)

ARTICLES AND ESSAYS

[*Right Diagnosis, Wrong Cure: Reconceptualizing the Commerce Clause Basis for the Federal Prohibition on Felon Firearm Possession*, 104 TEX. L. REV. ONLINE 225 \(2026\)](#)

[*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

[*Little Lambs to the Slaughter: Rethinking Federal Officer Liability*, YALE J. ON REGUL: NOTICE & COMMENT \(July 19, 2026\)](#)

[*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 \(Sept. 17, 2024\)](#)

COURSES OFFERED

Constitutional Law I (structure of government and individual rights)

Constitutional Law II (First Amendment)

Torts

Wills, Trusts, and Estates

Federalism (Georgetown Law School and Haverford College)

LAW SCHOOL AND COMMUNITY SERVICE

Faculty Appointments Committee (Chair, 2026-2027; Member, 2025-2026)

Curriculum Committee (Member, 2026-2027; Chair, 2025-2026)

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

Academic Standards Committee (Member, 2024-2025)

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

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

Moot Court Coach, NYC Bar National Moot Court Competition (2025 and 2026) (2025 team won Best Brief Award in regional competition)

[Constitutional Law Fellow](#), CALI (2025-present) (collaboration of six constitutional law scholars to write interactive online tutorials for law students)

Mentor, [The Appellate Project](#) (2021-2024)

SIGNIFICANT LITIGATION MATTERS

Significant litigation matters in which I was involved include:

Kennedy v. Braidwood Management, 145 S. Ct. 2427 (2025) (defended Obamacare's requirement that health insurance cover preventive services recommended by medical experts)

FDA v. Wages & White Lion Investments, 145 S. Ct. 898 (2025) (defended FDA's denial of applications to sell vaping products in flavors attractive to children and adolescents)

Biden v. Missouri, 142 S. Ct. 647 (2022) (defended HHS's requirement that workers in federally funded healthcare facilities be vaccinated against COVID-19)

Alabama Ass'n of Realtors v. HHS, 141 S. Ct. 2485 (2021) (defended the eviction moratorium that the CDC imposed to curb the spread of COVID-19)

King v. Burwell, 576 U.S. 473 (2015) (defended 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) (defended HHS's requirement that health-insurance plans cover contraceptives)

NFIB v. Sebelius, 567 U.S. 519 (2012) (defended key provisions of Obamacare against constitutional challenges)

Discount Tobacco v. United States, 674 F.3d 509 (6th Cir. 2012) (defended 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) (defended district court judgment, made after a 9-month trial, that the major cigarette companies engaged in a decades-long conspiracy to deceive Americans about the health effects of smoking)

Gonzales v. Raich, 545 U.S. 1 (2005) (defended the Controlled Substances Act against a Commerce Clause challenge)

United States v. Morrison, 529 U.S. 598 (2000) (defended the Violence Against Women Act against a Commerce Clause challenge)

Crosby v. National Foreign Trade Council, 530 U.S. 363 (2000) (argued as amicus that federal law preempted Massachusetts' sanctions against Burma)

Reno v. Condon, 528 U.S. 141 (2000) (defended the Driver's Privacy Protection Act against Commerce Clause and Tenth Amendment challenges)

RECENT PRESENTATIONS

Restoring the Separation of Powers: Practical Strategies to Rein in the Executive, Organizer and panelist, ABA Administrative Law Conference (Nov. 2025) (proposal was accepted but conference was canceled due to government shutdown)

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)

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

Amateur flying trapeze (2012-2017)