

HIGH PRAISE FROM LAWYERS AND THE LEGAL ACADEMY

I always keep this book close by when I am preparing to teach, and I have reached for it time and again to quickly and easily resolve on-the-spot confusions about standards of review. Like the authoritative previous editions, the new Third Edition lends astonishing practical clarity and logic to an increasingly complicated landscape. Law students and law teachers will be extremely well served by the mastery the authors share in this impeccably organized volume.

Jeannie Suk Gersen, John H. Watson, Jr. Professor of Law at Harvard Law School



After reading the Second Edition of Federal Standards of Review, practitioners reasonably concluded that they had available to them the comprehensive exposition of the fundamental concepts embodied in the process of judicial scrutiny. So readers can be forgiven if they open the Third Edition with a bit of skepticism and concern that they might experience “déjà vu all over again.” Not to worry, what this Edition brings is a very fresh and even more comprehensive analysis of the subject and does a particularly effective job of applying the vague standards of judicial and appellate review to concrete circumstances so that the reader can grasp in a real way how those standards dictate the outcomes in particular cases. The Third Edition also nicely tees up the debate about Chevron deference that is likely to be in serious flux for the next several years. Judge Edwards and Ms. Elliot have done the profession a real service by returning to this critical topic and guiding us through the myriad issues that arise. I thought the Second Edition would never leave my bookshelf, even as it became seriously dog-eared from use, but I now happily have replaced it with the Third Edition and already have started putting it to good use as the first step whenever a new judicial or appellate problem lands on my desk.

Carter G. Phillips, Partner and Chairman of the Executive Committee, Sidley Austin LLP, Washington, D.C.



This already essential treatise has become even more so with the Third Edition. Judicial review of agency action is a thicket that has only grown more complex since the second edition of this book was published. The third edition takes stock of all the changes and helps the reader understand even the most complicated administrative law doctrines, including the current state of Chevron and its carve-outs and the review of policy statements and interpretive rules. It is at once a comprehensive treatise and an easy-to-understand reference. Anyone interested in administrative law – from law students and clerks to the most experienced lawyers and judges – should own this book.

Rachel E. Barkow, Vice Dean and Segal Family Professor of Regulatory Law and Policy, New York University School of Law



Many – perhaps most – federal appeals are won or lost on standards of review. Yet too many lawyers pay too little attention to standards of review when developing their appellate strategy. This book should be a customary law-school graduation gift for any lawyer intending to litigate (or clerk) in the federal courts, and should be kept ready at hand by any lawyer pressing or defending a federal appeal. The Third Edition of Federal Standards of Review is a crisp, clear, accessible roadmap through even the thorniest aspects of federal appellate review of trial court and agency decisions. Standards of review are also rarely static. They evolve incrementally – and sometimes even seismically. The Third Edition addresses these changes, including recent Supreme Court decisions and other developments touching on harmless-error review, the zone-of-interests test, the limits and nuances of Chevron deference, and the deference to be afforded an agency’s interpretation of its own regulations. The appellate bar owes a significant debt to Judge Harry T. Edwards and Linda Elliott for their thorough and thoughtful update to an invaluable treatise.

Cate Stetson, Partner, Member of the Global Board, and Co-Director of Appellate Practice Group, Hogan Lovells, Washington, D.C.



Like the earlier editions, the third edition of this book is superb and invaluable. It provides a clear and comprehensive treatment about a crucial aspect of every appellate case: the standard of review. The book sits on the shelf above my desk and I have used it on countless occasions. The book fills a huge gap in the literature and is one that every appellate law clerk, judge, and lawyer should own.

Erwin Chemerinsky, Dean and Jesse H. Choper Distinguished Professor of Law, University of California, Berkeley School of Law



This essential volume deserves a place on every appellate lawyer’s bookshelf. It comprehensively answers the first, and often the most important, question in every appellate case. The Third Edition provides up-to-date answers on even the most esoteric questions and deserves consultation, if not citation, in every appeal.

Paul D. Clement, Partner, Kirkland & Ellis LLP, Washington, D.C., and former Solicitor General of the United States



Updated to the minute, this important book is the indispensable guide to the standards of review that undergird all appellate and administrative law. Reflecting the unique judicial, academic, and practice experience of Harry Edwards and Linda Elliott, this now standard work offers both clear guidance and unifying logic to make sense of the law. It should be required reading for professors, students, and practitioners alike.

Noah R. Feldman, Felix Frankfurter Professor of Law, Harvard Law School

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