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May 2015 E-newsletter Faculty Spotlight: Assistant Professor Kent Barnett

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Faculty Spotlight: Assistant Professor Kent Barnett



Name: Kent Barnett

Title: Assistant Professor

Area of specialization: Administrative Law, Contracts and Consumer Law

Hometown: Shelbyville, Kentucky

Law school / graduation year: University of Kentucky / 2005

Other degree / institution / year: B.A. / Centre College / 2002

1. What influenced your decision to go to law school?

I was on the fence about either obtaining a Ph.D. in art history or going to law school. I decided on law school because I enjoyed two undergraduate classes concerning constitutional law and civil rights. And, to be frank, it had much more economic promise.

2. What did you do before entering the legal teaching academy?

I clerked for Judge John Rogers on the U.S. Court of Appeals for the Sixth Circuit. I then practiced commercial litigation at a large international firm and primarily products liability at a small firm.

3. What made you decide to become a professor?

As my interest in obtaining a Ph.D. in art history suggests, I was long interested in becoming a professor. But after practicing law for a few years, I discovered that I was simply a better neutral than advocate. I really enjoyed solving problems and taking what I thought was the correct approach, as opposed to being paid to take a certain position. I have high admiration for advocacy and those who excel in it, but being a detached observer of the law is much more interesting and rewarding to me.

4. What do you enjoy most about your job? What is the most rewarding aspect of being a professor?

Although I very much enjoy my research, I view my primary obligation and reward as teaching and mentoring students. This probably sounds cliché, but my favorite moments are watching my students progress not only as law students but as professionals. For instance, I love that point that tends to occur around February when my first-year students grow much more comfortable in challenging points in my lecture or a judicial decision in a methodical, logical way. And I enjoy watching young men and women enter as students and leave as professionals who are much more aware of the world around them and accepting of the high expectations that the legal profession demands.

5. How did you choose your legal specialty?

I primarily write about federal administrative law. During law school, I was most interested in administrative law, structural constitutional law and commercial law matters. I would often read scholarship in these areas during my free time. When it came time to focus on one area, I turned to administrative law because the federal judge for whom I clerked was an administrative law scholar who inspired me to think more deeply about how we want government to act and about whom within government should act.

6. What do you enjoy most about this area of law?

As I tell my students, administrative law is all about power. The title is just terrible marketing – “administrative law” sounds like it will concern boring agency meetings, forms in triplicate and detailed regulations about minutiae. Some of it does. But at its core, administrative law is about power: who has it, how do they have to exercise it and how do I get some of it? When you view administrative law as all about power, it’s not hard to find numerous interesting issues and judicial decisions.

7. Are you currently conducting any research? If so, what is its focus?

Yes, I have just completed a draft article in which I argue that, contrary to some recent scholarship, parties whom agencies regulate should have the right to assert separation-of-powers challenges against those agencies. I am also co-authoring a large

empirical project with Professor Chris Walker at The Ohio State University, Moritz College of Law on how federal appellate courts review agency action. We are in the data-collection and coding process.

8. What do you consider your greatest academic contribution?

I am perhaps proudest of my article "Resolving the ALJ [Administrative Law Judges] Quandary," which was published in the *Vanderbilt Law Review* and selected from a blind-submission process for presentation at the Yale-Stanford-Harvard Junior Faculty Forum. It concerns the three interrelated constitutional concerns over hiring and firing thousands of federal administrative law judges. Several ALJs have reached out to me about the article, and they would like to use it as a blueprint for reform. Indeed, the Federal Conference of Administrative Law Judges has invited me to its upcoming annual conference, and I'm looking forward to discussing my ideas with practicing lawyers and judges.

9. What is your favorite thing about living in Athens?

Athens has so many great attributes; it is hard to single out one thing in particular. Athens is the paradigmatic college town with a real sense of place, a dynamic restaurant and cultural scene, a friendly population and wonderful in-town residential options for a family. It's hard to imagine living anywhere else.

10. What do you enjoy doing in your free time? What are your hobbies?

My current hobby is thinking about what hobbies I would like to have! My wife and I have five-year-old twin boys, so we don't have a lot of free time. But during my rare spare moments, you're likely to find me playing piano, writing art songs (poems set to music and intended for classically trained singers), reading historical nonfiction, experimenting in the kitchen or exercising.