

WHAT'S NEW Third Edition

The Third Edition of FEDERAL STANDARDS OF REVIEW: REVIEW OF DISTRICT COURT DECISIONS AND AGENCY ACTIONS has been updated to reflect over 60 new Supreme Court decisions directly relevant to the book's content. The Third Edition also updates the case law from the federal circuit courts regarding appellate review of trial court decisions and addresses the most salient of the decisions from the United States Court of Appeals for the District of Columbia Circuit fine-tuning Supreme Court precedent covering review of agency actions.

Noteworthy highlights of the Third Edition include:

- Extensive revisions in both the trial and agency portions of the book regarding subject matter jurisdiction and standing.
- An analysis of new circuit law addressing the *Jackson* standard governing sufficiency challenges in criminal cases.
- An update of the chapter addressing harmless error review, including a new section on harmless review in civil cases.
- A new section on the applicability of the “exceptional or extraordinary circumstances test” to unpreserved claims in civil cases.
- A reorganized and expanded discussion of abuse of discretion review.
- A reframed introduction to the portion of the book that addresses judicial review of agency action.
- Updated and rewritten discussions of the threshold jurisdictional and prudential limits on review of agency actions, including sovereign immunity, mootness, and the overlapping doctrines of finality, ripeness, exhaustion of administrative remedies, and issue waiver.
- A new chapter on the parameters of judicial review of agency actions, including the presumption of reviewability and its exceptions, as well as the presumptive non-reviewability of policy statements and interpretive rules.
- A new chapter discussing the effect of the Supreme Court's decision in *Lexmark Int'l, Inc. v. Static Control Components* on the zone-of-interests test.
- A discussion of the continued viability of the case law, emanating from the *Auer* and *Seminole Rock* decisions, af-

fording judicial deference to agency interpretations of their own regulations.

- A new and reorganized review of the law governing the deference owed agency actions under *Chevron*, including a discussion of the so-called “major questions” doctrine.

The purpose of the Third Edition remains the same as the first two editions—to provide students, practitioners, and scholars with a thorough and easily-accessible understanding of the legal framework governing the resolution of appellate challenges to federal trial court decisions and agency actions.