

**Identifying Information**

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**Paper Information**

Title:	Due Process, Impartiality, and Agency Oversight of Administrative Adjudication
Abstract:	The Roberts Court has demonstrated interest in scrutinizing the constitutional legitimacy of various forms of adjudication by non-Article III tribunals. Meanwhile, the Patent and Trademark Office (PTO) has all but invited judicial scrutiny of its adjudicatory processes by engaging in a practice of “panel stacking” designed to help enable the PTO Director or Chief Judge of the Patent Trial and Appeal Board to ensure uniformity in PTO adjudication or otherwise to control case outcomes. I have argued elsewhere that at least certain forms of PTO panel stacking are of doubtful constitutionality under the Fifth Amendment’s Due Process Clause. In this project, I examine general aspects of the legal status of central agency oversight of administrative adjudication, and I take on administrative panel stacking’s constitutionality more definitively than before, examining the different balances of arguments that apply for different forms and contexts of the practice.