

MEDIA MENTION

# Ninth Circuit Cites Wiley Rein Attorney's Law Review Note with Approval

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May 11, 2011

A note published by Wiley Rein Government Contracts attorney Craig Smith in the *Virginia Law Review* was cited three times in a decision handed down by the U.S. Court of Appeals for the Ninth Circuit. Mr. Smith's note, "Taking 'Due Account' of the APA's Prejudicial-Error Rule" was cited with approval in the opinion by Judge Consuelo M. Callahan and twice in the dissent written by Judge Sandra S. Ikuta.

In his opinion for *California Wilderness Coalition v. U.S. Department of Energy*, Judge Callahan wrote that Mr. Smith's analysis of cases applying the Administrative Procedure Act's harmless-error rule was "in accord" with recent Supreme Court analysis of the rule. Judge Callahan's statement responded to Judge Ikuta's citation of Mr. Smith; the dissenting judge had quoted the note and even adopted terminology coined by Mr. Smith. Also, in addition to quoting to Mr. Smith's note, both opinions drew support from many of the cases discussed by Mr. Smith.

## Related Professionals

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## Practice Areas

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Government Contracts