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Moderator's Remarks

HAROLD H. BRUFF*

The first speaker on this panel is Ken Davis of this faculty, who will both describe and advocate what he calls the principle of *Goss v. Lopez*.¹ He will provide something of a focal point for much that will follow. He will be followed by Nat Nathanson, visiting here, who will, as he says, provide some historical perspective and current developments. I think what he means by that is that he will give us a sense for what the courts' emphases have been in the due process cases over broad periods of years bringing us up to the present—and indeed to the moment with the very recent *Horowitz* case² on graduate school dismissals—and then will talk about the extension of due process principles, or at least procedural protections, into the heretofore largely exempt area of rulemaking procedures. Following Nat will be Bob Rabin, who will exhibit a Stanford professor's characteristic disregard for what the law is by talking about what values underlie due process and the extent to which they can be translated into what really is the focal point here: minimal due process protections. Finally, Neil Peck of Washington will advance some heresies—principally, that one might want to extend procedural protections into private employment in either of two broad fashions, one of them being through extension of the state action doctrine and application of due process cases directly, the other being changes in state tort or contract law. Without further ado then: Ken Davis.

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1. 419 U.S. 565 (1975).

2. Board of Curators of the Univ. of Mo. v. Horowitz, 435 U.S. 78 (1978).