

JUD MATHEWS

Penn State Law
Lewis Katz Building
University Park, PA 16802

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ACADEMIC APPOINTMENTS

PENN STATE LAW, University Park, Penn.

Associate Professor of Law • July 2017 – present

Affiliate Professor, School of International Affairs • July 2016 – present

Assistant Professor of Law • June 2013 – June 2017

UNIVERSITY OF ILLINOIS COLLEGE OF LAW, Champaign, Ill.

Visiting Assistant Professor of Law • August 2011 – May 2013

Faculty Affiliate, Illinois Program in Law, Behavior, and Social Science

EDUCATION

YALE UNIVERSITY • Ph.D., Political Science • December 2015, University Distinction
Research assistant, Professor Stephen Skowronek

YALE LAW SCHOOL • J.D. • May 2005

Yale Law Journal, Notes Editor • *Yale Journal of International Law*, Articles Editor

Research assistant, Professor Scott Shapiro • Morris Tyler Moot Court Finalist

YALE UNIVERSITY • M.A., International Relations • May 2005

PRINCETON UNIVERSITY • A.B. • June 1997, *summa cum laude*

Major: History (Europe, 1700 – present) • Minor: German

CLERKSHIP

Hon. Guido Calabresi, Second Circuit Court of Appeals • 2005 – 2006

BOOKS

RIGHTS, PROPORTIONALITY, AND CONSTITUTIONAL GOVERNANCE (with Alec Stone Sweet)
(under contract, Oxford University Press).

EXTENDING RIGHTS' REACH: CONSTITUTIONS, PRIVATE LAW, AND JUDICIAL POWER (Oxford
University Press, 2018).

PROPORTIONALIDAD Y CONSTITUCIONALISMO: UN ENFOQUE COMPARATIVO GLOBAL
(Externado University of Colombia Press, 2013) (with Alec Stone Sweet) (Spanish
translation of previously published articles).

ARTICLES

*Proportionality and Rights Protection in Asia: Hong Kong, Malaysia, South Korea, Taiwan –
Whither Singapore?* 30 SINGAPORE ACAD. L.J. 774 (2017) (with Alec Stone Sweet).

The State Action Doctrine and the Logic of Constitutional Containment, 2016 U. ILL. L. REV. 655 (2017). <https://ssrn.com/abstract=2956414>

Minimally Democratic Administrative Law, 68 ADMIN. L. REV. 605 (2016).
<http://ssrn.com/abstract=2736426>

Strategic Delegation, Discretion, and Deference: Explaining the Comparative Law of Administrative Review, 62 AM. J. COMP. L. 1 (2014) (with Nuno Garoupa).
<http://ssrn.com/abstract=2390723>

Deference Lotteries, 91 TEXAS L. REV. 1349 (2013). <http://ssrn.com/abstract=2012843>

All Things in Proportion? American Rights Review and the Problem of Balancing, 60 EMORY L.J. 797 (2011) (with Alec Stone Sweet). <http://ssrn.com/abstract=1569351>

Proportionality Balancing and Global Constitutionalism, 47 COLUM. J. TRANSNAT'L L. 72 (2008) (with Alec Stone Sweet). <http://ssrn.com/abstract=1569344>

BOOK CHAPTERS

Reasonableness and Proportionality, in THE OXFORD HANDBOOK OF COMPARATIVE ADMINISTRATIVE LAW (Peter Cane, Herwig Hofmann, Eric Ip, and Peter Lindseth eds., Oxford University Press, under contract).

Presidential Administration in the Obama Era, in THE U.S. SUPREME COURT AND CONTEMPORARY CONSTITUTIONAL LAW: THE OBAMA ERA AND ITS LEGACY (Anna-Bettina Kaiser, Niels Petersen, and Johannes Saurer eds., Routledge/Nomos, forthcoming 2018).
<https://ssrn.com/abstract=2927494>

Proportionality Review in Administrative Law, in COMPARATIVE ADMINISTRATIVE LAW (Susan Rose-Ackerman, Peter L. Lindseth, and Blake Emerson eds., Edward Elgar, 2017).
<https://ssrn.com/abstract=2836264>

Searching for Proportionality in U.S. Administrative Law, in THE JUDGE AND THE PROPORTIONATE USE OF DISCRETION 160 (Sofia Ranchordás and Boudewijn de Waard eds., Routledge, 2015). <http://ssrn.com/abstract=2561583>

Proportionality, Judicial Review, and Global Constitutionalism, in REASONABLENESS AND LAW 173 (Giorgio Bongiovanni, Giovanni Sartor, Chiara Valentini eds., Springer, 2009) (with Alec Stone Sweet) (updated, condensed version of *Proportionality Balancing and Global Constitutionalism*).

REVIEWS AND COMMENTARY

More Emolument Trouble for President Trump?, *VerfassungsBlog*, June 17, 2017, at:
<http://verfassungsblog.de/more-emolument-trouble-for-president-trump/>

President Trump and the Foreign Emoluments Clause, *VerfassungsBlog*, Jan. 30, 2017, at: <http://verfassungsblog.de/president-trump-and-the-foreign-emoluments-clause/>

I•CON Debate Review, *Proportionality and the Relevance of Rights*, INT'L J. CONST. L. BLOG, Feb. 6, 2015, at: <http://www.iconnectblog.com/2015/02/i•con-debate-review-by-jud-mathews-proportionality-based-balancing>

Book Review, 30 LAW & HIST. REV. 1190 (2012) (reviewing JERRY L. MASHAW, *CREATING THE ADMINISTRATIVE CONSTITUTION: THE LOST ONE HUNDRED YEARS OF AMERICAN ADMINISTRATIVE LAW* (2012)). <http://ssrn.com/abstract=2143421>

Comment, *Turning the Endangered Species Act Inside Out?*, 113 YALE L.J. 947 (2004). <http://ssrn.com/abstract=1628771>

Book Review, 27 YALE J. INT'L L. 473 (2002) (reviewing MARK J. OSIEL, *MASS ATROCITY, ORDINARY EVIL, AND HANNAH ARENDT: CRIMINAL CONSCIOUSNESS IN ARGENTINA'S DIRTY WAR* (2001)).

COURSES TAUGHT

At Penn State Law:

Administrative Law
Civil Procedure
Constitutional Interpretation
State and Local Government Law

At University of Illinois College of Law:

Administrative Law
Constitutional Law

As Yale College Teaching Fellow:

Constitutional Law (under Professor Akhil Amar)
International Relations (under Professor Jolyon Howorth)
Law and Politics of Globalization (under Professor Alec Stone Sweet)

INVITED PRESENTATIONS

"Administrative Common Law and Agency Exceptionalism," American Association of Law Schools, Administrative Law Section New Voices Program, New York, NY (January 4, 2018).

Discussant for Jule Mulder's "Dignity or Discrimination: What Paves the Road Towards Equal Recognition of Same-Sex Couples in Europe?," Montpelier Comparative Constitutional Law Roundtable, Smith Center for the Constitution, Orange, VA (October 21, 2017).

"Administrative Common Law and Agency Exceptionalism," Junior Faculty Exchange, University of Pittsburgh School of Law, Pittsburgh, PA (October 12, 2017).

"Administrative Law and Agency Exceptionalism," Mid-Atlantic Junior Faculty Forum, University of Richmond School of Law, Richmond, VA (May 10, 2017).

"Administrative Law and Agency Exceptionalism," University of Illinois College of Law, Urbana, IL (April 20, 2017).

"Presidential Administration in the Obama Era," Law and Society Institute Berlin, Conference on Obama's Court: Recent Changes in U.S. Constitutional Law in Transatlantic Perspective, Berlin, Germany (October 29, 2016).

"The Proportionality Principle in Administrative Law," Max Planck Institute for Comparative Public Law and International Law, Heidelberg, Germany (July 4, 2016).

"The Proportionality Principle in Administrative Law," Yale Law School, Comparative Administrative Law Conference, New Haven, CT (April 30, 2016).

"The State Action Doctrine and the Logic of Constitutional Containment," University of Illinois College of Law, Constitutional History: Comparative Perspectives, Chicago, IL (April 13, 2016).

"Minimally Democratic Administrative Law," American Association of Law Schools, Administrative Law Section New Voices Program, New York, NY (January 7, 2016).

"Minimally Democratic Administrative Law," Penn State Law, Faculty Scholarship Series, State College, PA (November 9, 2015).

"General Versus Agency-Specific Administrative Law," University of Indiana-Bloomington, Big Ten Conference for Untenured Law Faculty, Bloomington, IN (August 13, 2015).

Discussant for Diana Kapiszewski, Justin Koch, & Katja Newman's "Constitutionalism with Adjectives: Conceptual Innovation and the Global Rule of Law," GW Law Comparative Constitutional Law Roundtable, Washington, DC (March 6, 2015).

Discussant for Vicki Jackson's "Proportionality Review, Rights, and the U.S. Constitution," Montpelier Comparative Constitutional Law Roundtable, Smith Center for the Constitution, Orange, VA (October 18, 2014).

"Constitutional Rights, Private Law, and Judicial Power in Germany," University of Bologna School of Law, Constitutional History: Comparative Perspectives, Bologna, Italy (October 6, 2014).

"Constitutional Rights, Private Law, and Judicial Power in Germany," University of Indiana-Bloomington, Big Ten Conference for Untenured Law Faculty, Bloomington, IN (August 15, 2014).

“Proportionality and Pluralism,” University of Wisconsin, North American Taiwan Studies Association Conference, Madison, WI (June 20, 2014).

“Strategic Delegation, Discretion, and Deference,” Penn State Law, Faculty Scholarship Series, State College, PA (January 17, 2014).

Plenary Discussant, Workshop on Comparative Administrative Law in Asia, Institutum Iurisprudentiae Academia Sinica, Taipei, Taiwan (July 8-9, 2013).

Discussant, Comparative Constitutionalism panel, Midwest Political Science Association Conference, Chicago, IL (April 12, 2013).

“The Future of Constitutional Rights,” Yale Law School, panel discussion sponsored by American Constitution Society and Federalist Society, New Haven, CT (March 11, 2013).

“Deference Lotteries,” University of Indiana-Indianapolis, Junior Faculty Exchange, Indiana, IN (February 5, 2013).

“Deference Lotteries,” University of Indiana-Bloomington, Big Ten Conference for Untenured Law Faculty, Bloomington, IN (August 12, 2012).

“American Constitutional and Administrative Law,” University of Illinois, China Executive Leadership Program, Urbana, IL (June 25, 2012).

“Deference Lotteries,” Midwest Political Science Association Conference, Chicago, IL (April 14, 2012).

“Deference Lotteries,” Michigan State University College of Law, Junior Faculty Exchange, Lansing, MI (March 14, 2012).

“Judge Replacement and Judicial Bargaining,” Midwest Political Science Association Conference, Chicago, IL (April 23, 2010).

“American Rights Review and the Problem of Balancing,” Yale Law School Faculty Workshop, New Haven, CT (December 14, 2009) (with Alec Stone Sweet).

LEGAL EMPLOYMENT

O’MELVENY & MYERS LLP, Washington, D.C. • Summer 2004
Summer Associate: Litigation, Appellate.

JEROME N. FRANK LEGAL SERVICES ORGANIZATION, New Haven, Conn. • Summer 2003
Summer Law Intern.

U.S. JUSTICE DEPARTMENT, CRIM. APP. SECTION, Washington, D.C. • Summer 2002
Summer Law Intern.

OTHER EMPLOYMENT

NEW AMERICA FOUNDATION, Washington, D.C. • 1999 – 2001
Program Associate.

BRECK SCHOOL, Minneapolis, Minn. • 1998 – 1999
Teacher and coach.

HONORS, AWARDS, AND FELLOWSHIPS

Edward S. Corwin Award for best dissertation in public law, American Political Science Association

Dissertation recognized with University and Departmental Distinction, Yale University
Recognition for Excellence in Teaching, University of Illinois

Samuel K. Bushnell Fellowship (for support of graduate study at Yale)

Yale University Fellowship

National Science Foundation Graduate Research Fellowship Honorable Mention

Miguel Ferreyros Memorial Award (for excellence in a Yale joint degree program)

Grant from the German Academic Exchange Service (DAAD) to conduct year-long historical research project on German nation-building

Phi Beta Kappa, Princeton University

Walter Phelps Prize for best thesis in European history, Princeton University

Awards for excellence in German coursework, Princeton University

United States Presidential Scholar

PROFESSIONAL SERVICE

Reviewer for the *Canadian Journal of Political Science*

Reviewer for *Global Constitutionalism – Human Rights, Democracy and the Rule of Law*

Reviewer for the *Indian Journal of Constitutional & Administrative Law*

Reviewer for *Law & Social Inquiry*

Reviewer for the Mercatus Center at George Washington University

Reviewer for *Osgoode Hall Law Journal*

LAW SCHOOL SERVICE

Faculty Chair, 2017-present

Faculty Secretary, 2015-17

Co-Chair, Penn State Law Faculty Workshop Series, 2017-present

Committees: Faculty Workshop (2017-present); Clinics and Experiential Learning (2016-17); Learning Objectives and Assessment (2015-16); Budget (2014-15); Graduate and International Affairs (2013-14).

LANGUAGES

German (minimum professional proficiency), French (reading proficiency)