

Jud Mathews

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ACADEMIC **Penn State Law**
APPOINTMENTS Professor of Law, 2019 – present
Associate Dean for Research and Partnerships, 2019
Associate Professor of Law, 2017 – 2019
Assistant Professor of Law, 2013 – 2017
Affiliate Professor, School of International Affairs, 2016 – present

University of Illinois College of Law
Visiting Assistant Professor of Law, 2011 – 2013
Faculty Affiliate, Illinois Program in Law, Behavior, and Social Science

VISITING **Humboldt-Universität zu Berlin**, 2021 – 2022
FELLOWSHIPS Alexander von Humboldt Foundation Research Fellowship for Experienced
Researchers

EDUCATION **Yale University**, Ph.D., Political Science, 2015
Yale Law School, J.D., 2005
Yale University, M.A., International Relations, 2005
Princeton University, A.B., 1997
Major: History (Europe, 1700 – present); Minor: German

TEACHING Administrative Law, Civil Procedure, Constitutional Interpretation,
Constitutional Law, International Commercial Arbitration, State and Local
Government Law

BOOKS **RIGHTS, PROPORTIONALITY, AND CONSTITUTIONAL GOVERNANCE: A
COMPARATIVE AND GLOBAL APPROACH** (Oxford University Press, 2019)
(with Alec Stone Sweet).

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

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

ARTICLES AND
CHAPTERS

Administrative Agencies, MAX PLANCK ENCYCLOPEDIA OF COMPARATIVE CONSTITUTIONAL LAW (forthcoming 2022).

The Uncertain Foundations of Public Law Theory, 31 CORNELL J. LAW & PUB. POL. (forthcoming 2022) (with Emad Atiq).

Proportionality Review in Pennsylvania Courts, 92 PENN. BAR ASS'N QUART. 109 (2021) (with Stephen F. Ross).

Trump as Administrator in Chief: A Retrospective, 46 DPCE [Comparative and European Public Law] ONLINE 1035 (2021).

Proportionality Review and Rights Protection, in THE OXFORD HANDBOOK OF CONSTITUTIONAL LAW IN ASIA (David S. Law, Holning Lau, and Alex Schwartz eds., Oxford University Press, forthcoming 2021) (with Alec Stone Sweet).

Reasonableness and Proportionality, in THE OXFORD HANDBOOK OF COMPARATIVE ADMINISTRATIVE LAW (Peter Cane, Herwig Hofmann, Eric Ip, and Peter Lindseth eds., Oxford University Press, 2021).

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, 2019) 67.

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).

Proportionality Review in Administrative Law, in COMPARATIVE ADMINISTRATIVE LAW (Susan Rose-Ackerman, Peter L. Lindseth, and Blake Emerson eds., Edward Elgar, 2017) 405.

The State Action Doctrine and the Logic of Constitutional Containment, 2016 U. ILL. L. REV. 655 (2017) (invited symposium piece).

Minimally Democratic Administrative Law, 68 ADMIN. L. REV. 605 (2016).

Agency Discretion, Judicial Review, and “Proportionality” in US Administrative Law, in THE JUDGE AND THE PROPORTIONATE USE OF

DISCRETION 160 (Sofia Ranchordás and Boudewijn de Waard eds., Routledge, 2015).

Strategic Delegation, Discretion, and Deference: Explaining the Comparative Law of Administrative Review, 62 AM. J. COMP. L. 1 (2014) (with Nuno Garoupa).

Deference Lotteries, 91 TEXAS L. REV. 1349 (2013).

All Things in Proportion? American Rights Review and the Problem of Balancing, 60 EMORY L.J. 797 (2011) (with Alec Stone Sweet).

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*).

Proportionality Balancing and Global Constitutionalism, 47 COLUM. J. TRANSNAT'L L. 72 (2008) (with Alec Stone Sweet).

CASEBOOK

U.S. ADMINISTRATIVE LAW: A CASEBOOK (2d ed. 2021). Available for free download at <http://dx.doi.org/10.2139/ssrn.3668695>

REVIEWS AND
SHORTER PIECES

Book Review, 14 REV. EUR. ADMIN. LAW (REALAW) (forthcoming 2022) (reviewing Matthias Ruffert, *Law of Administrative Organization of the EU: A Comparative Approach* (2020)).

Book Review, 54 DIE VERWALTUNG [The Administration] (forthcoming 2022) (reviewing Eberhard Schmidt-Aßmann, *Die Verwaltungsrecht der Vereinigten Staaten von Amerika: Grundlagen und Grundzüge aus deutscher Sicht* [The Administrative Law of the United States of America: Foundations and Fundamentals from the German Perspective] (2021)).

Editorial, 14 REV. EUR. ADMIN. LAW (REALAW) 1 (2021).

An Open-Source Administrative Law Casebook?, NOTICE & COMMENT (March 14, 2021).

Some Kind of Right, 21 GERMAN LAW JOURNAL 40 (2020).

Book Review, 21 GERMAN LAW JOURNAL 299 (2020) (reviewing Günter Frankenberg, *Comparative Constitutional Studies: Between Magic and Deceit* (2018)).

Rights in the Balance, Review of Francisco J. Urbina, *A Critique of Proportionality and Balancing* (2017), 23 REV. CONST. STUD. 225 (2018).

Proportionality and the Relevance of Rights, I•CON Debate Review, INT'L J. CONST. L. BLOG, (Feb. 6, 2015).

Book Review, 30 LAW & HIST. REV. 1190 (2012) (reviewing Jerry L. Mashaw, *Creating the Administrative Constitution: The Last One Hundred Years of American Administrative Law* (2012)).

Turning the Endangered Species Act Inside Out?, Comment, 113 YALE L.J. 947 (2004).

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)).

COMMENTARY

The U.S. Supreme Court and the 2020 Election, VERFASSUNGSBLOG (November 1, 2020).

Trump vs. Twitter, VERFASSUNGSBLOG (May 28, 2020).

The Quest for Trump's Taxes Heads to the Supreme Court, VERFASSUNGSBLOG (Nov. 21, 2019).

A National Emergency on the Border?, VERFASSUNGSBLOG (Feb. 15, 2019).

Birthright Citizenship and Presidential Power, VERFASSUNGSBLOG (Nov. 3, 2018).

Is the U.S. President Above the Law?, VERFASSUNGSBLOG (June 28, 2018).

More Emolument Trouble for President Trump?, VERFASSUNGSBLOG (June 17, 2017).

President Trump and the Foreign Emoluments Clause, VERFASSUNGSBLOG (Jan. 30, 2017).

SELECTED
PRESENTATIONS

Schmidt-Aßmanns "Das Verwaltungsrecht der Vereinigten Staaten von Amerika" (Schmidt-Aßmann's "The Administrative Law of the United States of America"), Humboldt University of Berlin, Public Law and Theory Colloquium (via Zoom) (October 27, 2021).

Proportionality: Unanswered Questions, Center for Constitutional Studies of the Mexican Supreme Court of Justice, Mexico City, Mexico (via Zoom) (September 23, 2021).

Deescalating Legal Disagreement, Cornell Law School Faculty Workshop, Ithaca, N.Y. (via Zoom) (July 21, 2021).

Nodes, Edges, and Agencies: Exploring the Administrative Law Network, Michigan State University College of Law, East Lansing, Mich. (via Zoom) (March 31, 2021).

Trump as Administrator in Chief: A Retrospective, Conference: The American Presidency After the (First?) Term of Donald Trump, Bocconi University, Milan, Italy (via Zoom) (November 13, 2020).

Discussant for Günter Frankenberg's "Comparative Constitutional Studies: Between Magic and Deceit," Montpelier Comparative Constitutional Law Roundtable, Smith Center for the Constitution, Orange, Va. (October 5, 2018).

Extending Rights' Reach: Constitutions, Private Law, and Judicial Power, Penn State Law, Faculty Works in Progress Workshop, State College, Pa. (April 5, 2018).

Administrative Common Law and Agency Exceptionalism, American Association of Law Schools, Administrative Law Section New Voices Program, New York, N.Y. (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, Ill. (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, Conn. (April 30, 2016).

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

Minimally Democratic Administrative Law, American Association of Law Schools, Administrative Law Section New Voices Program, New York, N.Y. (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, Ind. (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, D.C. (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, Ind. (August 15, 2014).

Proportionality and Pluralism, University of Wisconsin, North American Taiwan Studies Association Conference, Madison, Wis. (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, Ill. (April 12, 2013).

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

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

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

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

Deference Lotteries, Midwest Political Science Association Conference, Chicago, Ill. (April 14, 2012).

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

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

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

PROFESSIONAL
EXPERIENCE

Hon. Guido Calabresi, Second Circuit Court of Appeals, New Haven, Conn.
Law clerk, 2005 – 2006

O'Melveny & Myers LLP, Washington, D.C.
Summer associate, Litigation and Appellate practice groups, Summer 2004

Jerome N. Frank Legal Services Organization, New Haven, Conn.
Summer law intern, Summer 2003

U.S. Justice Department, Criminal Appellate Section, Washington, D.C.
Summer law intern, Summer 2002

NON-LEGAL EMPLOYMENT	New America Foundation , Washington, D.C. Program Associate, 1999 – 2001
	Breck School , Minneapolis, Minn. Teacher and coach, 1998 – 1999
HONORS, AWARDS AND FELLOWSHIPS	<p>Alexander von Humboldt Foundation Research Fellowship for Experienced Researchers (2021 – 2022)</p> <p>Penn State Law LLM Teaching Award Honoree (2021)</p> <p>Edward S. Corwin Award for best dissertation in public law, American Political Science Association (2016)</p> <p>Dissertation awarded Departmental and University Distinction, Yale University (2016)</p> <p>Recognition for Excellence in Teaching, University of Illinois (2013)</p> <p>Samuel K. Bushnell Fellowship (for support of graduate study at Yale) (2007)</p> <p>Yale University Fellowship (2006)</p> <p>National Science Foundation Graduate Research Fellowship Honorable Mention (2006)</p> <p>Miguel Ferreyros Memorial Award (for excellence in a Yale joint degree program) (2005)</p> <p>Grant from the German Academic Exchange Service (DAAD) to conduct year-long historical research project on German nation-building (1997 – 1998)</p> <p>Phi Beta Kappa, Princeton University (1997)</p> <p>Walter Phelps Prize for best thesis in European history, Princeton University (1997)</p> <p>United States Presidential Scholar (1993)</p>
PROFESSIONAL SERVICE	<p>Associate Editor, <i>Verfassungsblog</i>, 2022 – present</p> <p>Member, Board of Advisers, <i>Droit Public Comparé – Comparative Public Law</i>, 2021 – present</p> <p>Editor, <i>Review of European Administrative Law (REALaw)</i>, 2020 – present</p> <p>Editor, <i>German Law Journal</i>, 2018 – present</p> <p>Reviewer for: <i>American Journal of Comparative Law</i> <i>Canadian Journal of Political Science</i></p>

German Law Journal
Global Constitutionalism—Human Rights, Democracy and the Rule of Law
Human Rights Review
Journal of Politics
Indian Journal of Constitutional & Administrative Law
Law & Social Inquiry
Mercatus Center at George Washington University
McGill Law Journal
Osgoode Hall Law Journal
Oxford University Press
Review of European Administrative Law
Yale Law Journal

LAW SCHOOL
SERVICE

Faculty Chair, 2017 – 2021

Faculty Secretary, 2015 – 2017

Committee service:

Awards Committee (Chair), 2019 – 2021

Honor Code, 2019 – 2021

Non-JD programs working group, 2019 – 2020

Strategic Plan working group, 2019 – 2020

Faculty Works-in-Progress (Co-Chair), 2017 – 2019

Clinics and Experiential Learning, 2016 – 2017

Learning Objectives and Assessment, 2015 – 2016

Budget, 2014 – 2015; Graduate and International Affairs, 2013 – 2014

Co-Adviser, Willem C. Vis International Commercial Moot Team, 2017 – 2021