

Jud Mathews

CONTACT INFORMATION

Penn State Dickinson Law – University Park
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University Park, PA 16802

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ACADEMIC APPOINTMENTS

Penn State Dickinson Law*

Professor of Law and Political Science, 2023 – present
Associate Dean for Academic Affairs, 2023 – 2025
Professor of Law, 2019 – 2023
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

ACADEMIC VISITS

University of Zurich, May 2027 (planned)
Visiting Professorship

Humboldt-Universität zu Berlin, 2021 – 2022

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

* “Penn State Law” until 2025

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).

ARTICLES & CHAPTERS

No Time Like the Present: The Supreme Court's October 2025 Term, 97 PENN. BAR ASS'N QUART. (forthcoming 2026).

Solange as Promise and Threat, in 3 COMPARATIVE CONSTITUTIONAL HISTORY: LANDMARK JUDGMENTS (Francesco Biagi, Justin Frosini & Jason Mazzone, eds., Brill, forthcoming 2026).

The Lawfulness of Public Law in Germany and the United States, in PUBLIC ADMINISTRATION AND EXPERTISE IN DEMOCRATIC GOVERNMENTS: COMPARATIVE PUBLIC LAW IN THE TWENTY-FIRST CENTURY 28 (Susan Rose-Ackerman, ed., Routledge, 2024) (with Joshua Spannaus).

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 2026) (with Alec Stone Sweet).

The Uncertain Foundations of Public Law Theory, 31 CORNELL J. LAW & PUB. POL. 389 (2023) (with Emad Atiq).

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

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).

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).

Published, together with “Proportionality Balancing and Global Constitutionalism,” in Spanish as PROPORCIONALIDAD Y CONSTITUCIONALISMO: UN ENFOQUE COMPARATIVO GLOBAL [PROPORTIONALITY AND CONSTITUTIONALISM: A COMPARATIVE GLOBAL APPROACH] (Externado University of Colombia Press, 2013).

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 (6th ed. 2026). Available for free download at <http://dx.doi.org/10.2139/ssrn.3668695>

REVIEWS,
SHORTER PIECES,
& COMMENTARY

The End of NRC Independence and the Future of Nuclear Safety, THE REGULATORY REVIEW (with Arden Rowell) (July 27, 2026).

Book Review, 74 AM. J. COMP. L. (forthcoming 2026) (reviewing *Proportionality and Transformation: Theory and Practice from Latin America* (Francisca Pou-Giménez, Laura Clérico and Esteban Restrepo-Saldarriaga eds., Cambridge University Press, 2022)).

Constitutional Continuity in a Time of Change, THE REGULATORY REVIEW (August 6, 2025).

Book Review, 14 REV. EUR. ADMIN. LAW (REALAW) 79 (2022) (reviewing Matthias Ruffert, *Law of Administrative Organization of the EU: A Comparative Approach* (2020)).

Book Review, 54 DIE VERWALTUNG [The Administration] 123 (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).

Biden's Vaccine-or-Test Mandate in Legal Limbo, VERFASSUNGSBLOG (November 10, 2021).

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

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

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

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

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).

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

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). **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 Lost 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)).

SELECTED GUEST
TEACHING

University of Zurich, spring 2027 (planned)
The Executive Power in U.S. Constitutional Law (short course)

University of Bergen, 2022
Constitution and Politics (guest lecture)

Humboldt-Universität zu Berlin, 2021
US Constitutional Law (temporary appointment)

Amity Law School of Delhi, 2016
Introduction to US Constitutional and Administrative Law (short course)

SELECTED
PRESENTATIONS

No Time Like the Present: The Supreme Court's October 2025 Term, Pennsylvania Conference of State Trial Judges, Hershey, Pa (July 23, 2026)

Germany's Federal Constitutional Court in Law and Politics, Humboldt Dialogue sponsored by the American Friends of the Alexander von Humboldt Foundation, organizer and moderator (November 18, 2025).

Constitutional Pluralism and the European Union, Penn State School of International Affairs European Union Colloquium, University Park, Pa. (November 4, 2025).

The Jurisprudential Turn in Public Law, Penn State Initiative on Legal Institutions and Democracy (ILIAD), University Park, Pa. (March 4, 2025).

Solange as Promise and Threat, University of Bologna School of Law, Comparative Constitutional History: Landmark Judgments Conference, Bologna, Italy (October 7, 2023).

The Uncertain Foundations of Public Law Theory, University of Illinois College of Law, Urbana, Ill. (April 20, 2023).

Discussant for Niels Petersen's chapter on the United States, Correcting Inequality Through Law Workshop, Westfälische Wilhelms-Universität, Münster, Germany (January 20, 2023).

The Lawfulness of Public Law in Germany and the United States, Yale Law School, Conference in Honor of Susan Rose-Ackerman, New Haven, Conn. (August 26, 2022).

The Lawfulness of Public Law in Germany and the United States, Humboldt University, Integrative Research Institute Law & Society (LSI), Berlin, Germany (July 5, 2022).

Amerikanisches Verwaltungsrecht: Eine Einführung (American Administrative Law: An Introduction), Guest lecture hosted by Prof. Bettina Schöndorf-Haubold, Justus-Liebig-Universität, Gießen, Germany (June 23, 2022).

The Lawfulness of Public Law in Germany and the United States, University of Bergen, Research Group on the Rule of Law Seminar, Bergen, Norway (April 21, 2022).

Schmidt-Aßmanns "Das Verwaltungsrecht der Vereinigten Staaten von Amerika" (Schmidt-Aßmann's "The Administrative Law of the United States of America"), Humboldt University, Public Law and Theory Colloquium, Berlin, Germany (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, Bocconi University, Conference on the American Presidency After the (First?) Term of Donald Trump, 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, University Park, 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, University of Pittsburgh School of Law, Junior Faculty Exchange, Pittsburgh, Pa. (October 12, 2017).

Administrative Law and Agency Exceptionalism, University of Richmond School of Law, Mid-Atlantic Junior Faculty Forum, 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, Humboldt University, Integrative Research Institute Law & Society (LSI), 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 Conference, 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, University Park, 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 Conference, 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, University Park, 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 & FELLOWSHIPS

Penn State Dickinson Law Student Bar Association Teaching Award (2026)

Elected member, Vereinigung der deutschen Staatsrechtslehrer (German Society of Public Law) (2025)

Penn State Law LLM Teaching Award Recipient (2025)

Alexander von Humboldt Foundation Research Fellowship for Experienced Researchers (2021 – 2022)

Penn State Law LLM Teaching Award Honoree (2021)

Edward S. Corwin Award for best dissertation in public law, American Political Science Association (2016)

Dissertation awarded Departmental and University Distinction, Yale University (2016)

Recognition for Excellence in Teaching, University of Illinois (2013)

Samuel K. Bushnell Fellowship (for support of graduate study at Yale) (2007)

Yale University Fellowship (2006)

National Science Foundation Graduate Research Fellowship Honorable Mention (2006)

Miguel Ferreyros Memorial Award (for excellence in a Yale joint degree program) (2005)

Grant from the German Academic Exchange Service (DAAD) to conduct year-long historical research project on German nation-building (1997 – 1998)

Phi Beta Kappa, Princeton University (1997)

Walter Phelps Prize for best thesis in European history, Princeton University (1997)

United States Presidential Scholar (1993)

PROFESSIONAL SERVICE

Editor, *German Law Journal*, 2018 – present

Associate Editor, *Verfassungsblog*, 2022 – 2024

Editor, *Review of European Administrative Law (REALaw)*, 2020 – 2023

Reviewer for:

American Journal of Comparative Law

Bloomsbury Publishing

Canadian Journal of Political Science

Comparative Constitutional Studies

German Law Journal

Global Constitutionalism—Human Rights, Democracy and the Rule of Law

Human Rights Review

Journal of Law and Religion

Journal of Politics

Indian Journal of Constitutional & Administrative Law
I-CON (International Journal of Constitutional Law)
Law & Social Inquiry
 Mercatus Center at George Washington University
McGill Law Journal
Osgoode Hall Law Journal
Oxford Journal of Legal Studies
 Oxford University Press
Review of European Administrative Law
University of Bologna Law Review
Yale Law Journal

LAW SCHOOL SERVICE

Ad hoc committee charged with preparing major change application to American Bar Association, 2023 – 2024

Faculty chair, 2017 – 2021

Faculty secretary, 2015 – 2017

Committee service:

Academic Rules Committee (Chair/Co-Chair), 2023 – 2026

Promotion and Tenure Committee, 2019 – 2026

Curriculum Committee, 2023 – 2025

Awards Committee (Chair), 2019 – 2021

Honor Code Committee, 2019 – 2021

Non-JD programs working group, 2019 – 2020

Strategic Plan working group, 2019 – 2020

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

Clinics and Experiential Learning Committee, 2016 – 2017

Learning Objectives and Assessment Committee, 2015 – 2016

Budget Committee, 2014 – 2015

Graduate and International Affairs Committee, 2013 – 2014

Co-adviser/adviser, Willem C. Vis International Commercial Moot Team, 2017 – 2021; 2022-2024; 2025-present

LANGUAGES

English: native

German: fluent (Goethe-Zertifikat C2, June 2022)

French: basic reading knowledge