

Tuan N. Samahon

Villanova University
Charles Widger School of Law
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EDUCATION

J.D., Georgetown University Law Center, *cum laude*, 2000

- John M. Olin Law and Economics Fellow, 1999-2000
- Olin Prize in Law and Economics for Best Paper, 2000 (co-awarded)
- Humane Studies Fellow, Institute for Humane Studies, 1997-2000
- Manfred Lachs Moot Court Team, National Finalist, 1999; Coach, 2000
- Editorial Board, Law & Policy in International Business, 1999-2000
- Student publications:
 1. Note, *The Religion Clauses and Political Asylum*, 88 GEO. L.J. 2211 (2000)
 2. Note, *TRIPS Copyright Dispute Settlement After the Transition and Moratorium*, 31 LAW & POL'Y IN INT'L BUS. 1051 (2000)
 3. Comment, *The First Amendment Case Against FCC IP Telephony Regulation*, 51 FED. COMM. L.J. 493 (1999)

B.A., Brigham Young University, *cum laude* with University Honors, in Political Science and Philosophy, 1996

- University Honors Program Graduate
- Four-Year Trustees Academic Scholarship
- Externship, U.S. Department of State, Consulate General Strasbourg, France

LEGAL PROFESSIONAL EXPERIENCE

Villanova University Charles Widger School of Law
Professor of Law (with tenure), 7/2010 to present
Associate Professor of Law, 7/2009 to 7/2010

Peking University, School of Transnational Law (remote taught constitutional law)
Visiting Professor, 5/2020 to 6/2020 (Quarter 4)

Goldstein Law Partners, LLC (formerly McNelly & Goldstein, LLC)
Of Counsel, 4/2018 to present

Torchlight Law Group, LLC
Member, 2/2015 to 12/2017

Faculty of Law, University of Zagreb, Croatia
Visiting Fulbright Scholar, 2/2017 to 6/2017

University of Illinois College of Law
Visiting Associate Professor, 3/2009

William S. Boyd School of Law, University of Nevada, Las Vegas
Associate Professor, 7/2004 to 6/2009

Honorable Jay S. Bybee, U.S. Court of Appeals for the Ninth Circuit
Law Clerk, 4/2003 to 6/2004

Covington & Burling LLP, Washington, D.C. office
Associate in litigation and international practices, 10/2001 to 4/2003

Honorable Raymond A. Jackson, U.S. District Court for the Eastern District of Virginia
Law Clerk, 8/2000 to 8/2001

Ropes & Gray LLP, Washington, D.C. office
Summer Associate (offer extended), 5/1999 to 8/1999

The Honorable Loren A. Smith, U.S. Court of Federal Claims
Judicial Intern, 1/1999 to 4/1999

Professor Vicki C. Jackson, Georgetown University Law Center
Comparative Constitutional Law Research Assistant, 6/1998 to 8/1998

SAMPLE RECENT PRO BONO LEGAL REPRESENTATIONS

Counsel for Plaintiff in *Xanthopoulos et al. v. IRS*, No. 19-3006 (D. Minn. 2019) (seeking release of IRS agency records concerning tax representative authentication)

Counsel for Plaintiff in *Martin v. U.S. Department of Justice*, No. 18-1885 (D.D.C. 2018) (seeking release of historical FBI records concerning interactions with Billy Graham)

Counsel for Plaintiff in *McMichael v. U.S. Department of Justice*, No. 18-997 (D. Del. 2018) (obtained release of historical records concerning federal governmental investigation of theft of the German royal family of Hesse's jewels)

Counsel for Plaintiff in *Barrett v. CIA*, No. 16-4279 (E.D.Pa. 2016) (obtained release of CIA historical records concerning the 1961 Bay of Pigs operation)

Amicus brief in *Little Sisters of the Poor v. HHS* (consolidated as *Zubik v. Burwell*, "Brief of Thirteen Law Professors as Amici Curiae in Support of Petitioners") (U.S. Sup. Ct. Jan. 2016)

Counsel for Plaintiff in *Nolen v. FBI*, No. 15-5062 (E.D.Pa. 2015) (obtained release of FBI investigative records)

Counsel for Appellant in *Kuretski v. Commissioner*, No. 13-1090 (D.C. Cir. 2014) (separation-of-powers case challenging presidential removal authority)

Amicus brief in *National Labor Relations Board v. Noel Canning*, No. 12-1281 (U.S. Sup. Ct. 2014) (separation-of-powers case concerning presidential appointment authority)

Plaintiff (and initially counsel) in *Samahon v. U.S. Department of Justice*, No. 13–6462. (E.D.Pa. 2014) (sought release of records relating to claims of presidential appointment authority)

Counsel and plaintiff in *Samahon v. FBI*, 40 F.Supp.3d 498 (E.D.Pa. 2014) (obtained release of FBI records concerning Director J. Edgar Hoover’s abuse of power)

PUBLICATIONS

FOIA and the National Security Scholar as Fire Alarm Oversight, 35 INTELLIGENCE & NAT’L SEC’Y 686 (2020)

Fifty Years of Operation Under the Freedom of Information Act, 1967-2017, 63 VILL. L. REV. 855 (2018)

American Immigration Microfederalism: Sanctuary & Restrictionist Jurisdictions and Administrative Conflict, 18 HRVATSKA I KOMPARATIVNA JAVNA UPRAVA 171 (2018)

Reprinted in IVAN KOPRIĆ, GORANKA LALIĆ, TIJANA VUKOJIČIĆ TOMIĆ, EDS., MIGRATIONS, DIVERSITY, INTEGRATION, AND PUBLIC GOVERNANCE IN EUROPE AND BEYOND 241-68 (INSTITUTE OF PUBLIC ADMINISTRATION 2019)

The Inferior (Subordinate) Officer Test and the Officer/Non-Officer Line, 36 YALE J. ON REG.: NOTICE & COMMENT (Apr. 2018)

Characterizing Power for Separation-of-Powers Purposes, 52 U. RICH. L. REV. 569 (2018)

No Praise for Process Federalism: The Political Safeguards Mirage and the Necessity of Substantial, Substantive Judicial Review, 61 VILL. L. REV. 605 (2016)

Democracy, Violence and Constitutional Revision in the Shadow of Democratic Revolution Theory, 89 DENV. U.L. REV. 735 (2012)

Blackmun (and Scalia) at the Bat: The Court’s Separation-of-Powers Strike Out in Freytag, 12 NEV. L.J. 691 (2012)

Federal Judicial Selection and the Senate’s Blue Slip “Tradition,” NEV. LAW., Oct. 2012

The Czar’s Place in Presidential Administration, and What the Excepting Clause Teaches Us About Delegation, 2011 U. CHI. LEGAL F. 169 (2011)

Impeachment as Judicial Selection? 18 WM. & MARY BILL RTS. J. 595 (2010)

Caperton and Judicial Disqualification in Nevada, NEV. LAW., Jan. 2009

Are Bankruptcy Judges Unconstitutional? An Appointments Clause Challenge, 60 HASTINGS L.J. 233 (2008)

Bowsher v. Synar in ENCYCLOPEDIA OF THE SUPREME COURT OF THE UNITED STATES (2008)

Michigan v. Long in ENCYCLOPEDIA OF THE SUPREME COURT OF THE UNITED STATES (2008)

Supreme Court of New Hampshire v. Piper in ENCYCLOPEDIA OF THE SUPREME COURT OF THE UNITED STATES (2008)

The End of Nevada's Ban on Partisan Judicial Campaign Speech, NEV. LAW., Feb. 2007

Reply, *Rehnquist's Recusals*, 10 GREEN BAG 2D 201 (2007)

The Judicial Vesting Option: Opting Out of Nomination and Advice and Consent, 67 OHIO ST. L.J. 783 (2006)

William Rehnquist, the Separation of Powers, and the Riddle of the Sphinx, 58 STAN. L. REV. 1735 (2006) (with Jay S. Bybee)

WORKS-IN-PROGRESS

Remedying Information Asymmetries in FOIA Litigation

Germaneness and the Appointments Clause

The Excessive Fines Clause, the Incorporation Project, and the States' Unfinished Business

The Fortas Resignation (book project)

TEACHING AND COURSES TAUGHT

Civil Procedure*

Constitutional Law*

Federal Courts*

Separation-of-Powers Seminar*

Comparative Constitutional Law

Comparative Immigration Law

Complex Litigation

International Business Transactions

*current teaching assignments

FACULTY COMMITTEE SERVICE

Villanova University Charles Widger School of Law

Academic Success, AY 2017-18

Admissions, Sp 2010, AY 2010-11

Alumni and Development, AY 2019-20

Appointments, AY 2015-16, AY 2016-17

Career Strategy, Chair, AY 2014-15, AY 2015-16

Clerkships, AY 2010-11
Experiential Learning Committee, AY 2016-17
Faculty Committee, Chair, AY 2017-21
Faculty Development, Chair, AY 2010-11
Inclusiveness Commission, F 2014
International Programs Task Force, AY 2017-19
Tenured Merit Compensation Committee, AY 2017-20
Faculty Parliamentarian, AY 2018-19 (appointed)
Public Interest, 2009-11; Chair, AY 2010-11; AY 2015-16
Tenure Screening, AY 2010-11 (elected)

William S. Boyd School of Law, UNLV

Appointments, F 2007, Sp 2008

Retention, Promotion and Tenure (untenured member), Sp 2008

Academic Standards, Sp 2007

Career Services Advisory Board, F 2008

Career Services Liaison, Sp 2006, Sp 2007, F 2007

Placement, F 2004, Sp 2005

Technology, Sp 2005

SPEAKING ENGAGEMENTS AND PRESENTATIONS

Instructor, Training Webinar on “The Freedom of Information Act and the Social Security Administration,” Community Legal Services Philadelphia, 7/9/20

Speaker, “Introduction to Constitutional Law,” 1L Summer Bootcamp, Philadelphia Diversity Law Group, 8/13/20 (taught each August 2011-2014, 2018-20)

Speaker, “Our Contemporary Presidential Impeachment Process,” Widener University Commonwealth Law School, 2/5/20

Panelist, “FOIA and the Historian as Deputized, Private Attorney General,” Blacklists, Nomination Fights, and FOIA Litigation: Checking Intelligence Agencies from the Cold War to Trump, Society for Historians of American Foreign Relations, Arlington, Virginia, USA 6/22/19

Keynote speaker, “Microfederalism Without Federalism: Lessons from America for our European Municipal Cousins,” Pravni Fakultet, Sveučilište u Zagrebu, Croatia, 6/7/19

Panelist, “Korematsu: ‘And Then They Came for Us,’” Blank Rome LLP, Marvin Comisky Center, Asian Pacific American Bar Association of Pennsylvania, 5/16/19 (with Karen Korematsu)

Speaker, “Due Process as Deeply Rooted Tradition,” Dignity, Tradition, & Constitutional Due Process: Competing Judicial Paradigms, Williams S. Boyd School of Law, Las Vegas, 3/15/19

Discussant, Professor David Rabban’s article on “When Should Campus Speech Be Regulated More Than Speech in the Public Sphere?” 2018 Foundation for Individual Rights in Education Faculty Conference, Chicago, 10/12/18

Panelist, “Implications of the Supreme Court’s Decision in *Lucia v. SEC*,” 2018 Federal Administrative Law Judges Conference, Philadelphia, 9/24/18

Instructor, “Introduction to Constitutional Law for 1Ls,” 2018 Philadelphia Diversity Law Group (PDLG), Summer Boot Camp, Philadelphia, 8/9/18

Presenter, “The Excessive Fines Clause, the Incorporation Project, and the States’ Unfinished Business,” Pravni Fakultet, Sveučilište u Zagrebu, Croatia, 6/26/18

Presenter, “The Excessive Fines Clause, the Incorporation Project, and the States’ Unfinished Business,” the Federalist Society annual faculty conference, AALS, San Diego, 1/5/18

Presenter, “In Defense of Separation-of-Powers Essentialism,” University of Richmond Symposium on “Defining the Constitution’s President Through Legal & Political Conflict, 10/27/17

Introductory Speech on FOIA, “Fifty Years Under the Freedom of Information Act, 1967 – 2017,” Norman J. Shachoy Villanova Law Review Symposium, 10/20/17

Presenter, “‘You’re Fired!’: Boundary Testing the Unitary Executive, or Trump and Three Open Issues,” Villanova University Charles Widger School of Law faculty workshop, 8/9/17

Lecturer, The Legislative Process in the Shadow of “Administration” (and Vice Versa): the American Case, Pravni Fakultet, Sveučilište u Zagrebu, Croatia, 5/25/17

Presenter, “American Microfederalism,” Inter-University Center (Dubrovnik, Croatia), 5/14/17

Lecturer, “50 Years of Operation under the U.S. Freedom of Information Act,” Pravni Fakultet, Sveučilište u Zagrebu, Croatia, 5/8/17

Lecturer, “The American Presidency & the Administration of Federal Agencies in the Era of President Donald Trump,” Pravni Fakultet, Sveučilište u Zagrebu, Croatia, 4/10/17

Presentation to Pravna Klinika, Osijek “Pro Bono” on American clinical legal education, “Taking the FBI to Court: Historical Discovery, Engaged Scholarship, and Training Student Lawyers,” Osijek, Croatia, 4/6/17

Lecturer, “The Trump ‘Travel Ban’ Executive Order in Constitutional and Statutory Perspective,” Pravni Fakultet, Sveučilište J.J. Strossmayera u Osijeku, Croatia, 4/5/17

Presentation, “The Trump ‘Travel Ban’ Executive Order in Constitutional and Statutory Perspective,” Annual Colloquium, Transcrim, “Migrations and Trafficking in Human Beings,” Inter-University Center, Dubrovnik, Croatia, 4/3/17

Presenter, “An Introduction to American Schools of Legal Thought,” Pravni Fakultet, Sveučilište u Zagrebu, Croatia, 3/20/17

Presenter, “The Resignation of Associate Justice Abe Fortas,” St. Mary’s University School of Law (San Antonio, TX), 1/23/17

Presenter, “The 17th Amendment and Indirect Election of Senators,” George Mason University Law & Economics Center (LEC) Workshop for Law Professors on Public Choice Economics (Arlington, VA), 10/7/16

Panelist, “FOIA @ Fifty,” Las Vegas Lawyers’ chapter of the Federalist Society, 3/18/16

Panelist, “The Scalia Vacancy: Is There a Constitutional Duty to Replace Him?” William S. Boyd School of Law, University of Nevada, Las Vegas, 3/17/16

Panelist, “The Constitutionality of Administrative Law Judges at the Securities and Exchange Commission and Elsewhere,” the National Lawyers’ Convention of the Federalist Society, 11/12/15

Co-panelist with Professor Michael Dimino (Widener), Preview of the October Term 2015 of the U.S. Supreme Court at the Pennsylvania Bar Institute’s “Constitutional Law Conclave,” 10/19/15

Presenter, “No Praise for Process Federalism: the Political Safeguards Mirage and the Necessity of Substantial, Substantive Judicial Review,” *Villanova Law Review*’s Norman J. Shachoy Symposium, Villanova University School of Law, 9/18/15

Co-Presenter with Beth Lyon, “Taking the FBI to Court: Historical Discovery, Engaged Scholarship, and Training Student Lawyers,” Villanova University Quarterly Club, 4/22/15

Panelist, “President Obama’s Immigration Executive Actions,” American Constitution Society-Federalist Society Panel, Denver, CO 4/19/15

Presenter, “The Fortas Resignation,” Rothermere American Institute, Oxford University, 3/19/15

Presenter, “Process Federalism, The Process-Substance Distinction, and the Inevitability of Substantive Judicial Review,” Villanova University School of Law, 2/23/15

Speaker with commentary by Prof. Ronald Levin, “The Power to Remove as a Power to Control: Presidential Power to Remove Tax Court Judges,” Washington University in St. Louis, 2/11/15

Panelist, “President Obama’s Immigration Executive Actions,” PA Bar Institute CLE, 1/13/15

Panelist, “Kuretski v. Commissioner and the Constitutional Status of the Tax Court,” Annual Conference, ABA Tax Section, Washington, D.C. 5/10/14

Speaker, “NLRB v. Noel Canning and the Scope of the President’s Recess Appointments Power,” Penn State Dickinson School of Law, 1/22/14; University of South Carolina School of Law, 1/27/14; Charleston School of Law, 1/27/14; Vanderbilt University School of Law, 10/22/13; Temple University James E. Beasley School of Law, 9/12/13; Widener University School of Law (Harrisburg),

9/10/13; Brooklyn Law School, 8/27/13; University of Pennsylvania School of Law, 4/10/13 (commentary by Professor Cary Coglianese); Florida International University College of Law, 3/25/13 (commentary by Elizabeth Foley); Duke University School of Law, 3/20/13; Rutgers-Camden School of Law, 2/13/13 (commentary by Adjunct Prof. Harry Litman)

Panelist, “Discussion on Second Amendment and Gun Control,” Gwynedd-Mercy College, 10/24/13

Panelist, “Federalism and Separation-of-Powers Cases from the OT 2013 Term,” West Chester University Supreme Court Preview, 10/4/13

Panelist, “The Federal Budget Sequester and the Federal Judiciary,” American Constitution Society-Federalist Society Panel, Drexel University School of Law, 9/19/13

Panelist, National Press Club, First Annual Executive Branch Review Conference, Federalist Society, 6/11/13

Presenter, “The 17th Amendment at One Hundred,” Villanova University School of Law, 4/24/13

Panelist, Pennsylvania Bar Institute Law Policy Forum, “Judicial Free Speech and PA Judicial Elections,” 4/8/13

Presenter, Federalist Society, “Presidential Recess Appointments and the Dodd-Frank Act,” University of North Carolina School of Law, 10/24/12

Panelist, “Immigration, Federal Exclusivity and Arizona v. United States,” PA Bar Institute CLE, 8/2/12

Discussant, “Constitutional Economics,” Liberty Fund, La Jolla, CA, 3/23/12 to 3/24/12

Keynote address, Naturalization Ceremony at the U.S. District Court for the Eastern District of Pennsylvania, “The Consent of the Governed,” 10/20/11

“The Czar’s Place in Presidential Administration,” Barry University School of Law, 3/8/12; “The Czar’s Place in Presidential Administration,” University of Florida Levin College of Law, 10/5/11 (commentary by Professor Fenster); Syracuse University College of Law, 10/4/11 (commentary by Professor Culbertson); Cornell Law School, 10/3/11; Denver Lawyers Chapter of the Federalist Society, 9/29/11 (commentary by Professor Natelson); University of Nevada, Las Vegas, 9/27/11 (commentary by Professor Lazos); Regent University School of Law, 3/18/11; University of Colorado, Boulder, 3/8/11 (commentary by Professors Bruff and Nagel); University of Chicago Law School, 10/22/10 (symposium on “Power and Governance”); William & Mary Law School, 9/29/10; Widener University School of Law (Delaware Campus), 9/21/10; Seton Hall University School of Law, 9/8/10; Rutgers School of Law-Newark, 9/8/10

Presenter with comments by Judge Kenneth L. Gartner, “A Qualified Defense of Judicial Election,” Touro College Jacob D. Fuchsberg Law Center, 9/12/11

Presenter, Panel Concerning the U.S. Supreme Court Appointments Process with Senator Arlen Specter, Joint Inn of Court, 10/12/10

Presenter, “Restoring Federalism’s Political Safeguard,” Southern Illinois University School of Law, 2/12/15; William S. Boyd School of Law, 9/17/12; Las Vegas Lawyers Chapter of the Federalist Society, 9/14/12; Brooklyn Law School, 10/26/11; Hofstra Law School, 9/12/11; Case Western Reserve University School of Law, 4/14/11; Cleveland-Marshall College of Law, 4/14/11; Penn State University, Dickinson School of Law, 9/1/10; Widener University School of Law (Harrisburg Campus), 9/1/10

Presenter, “The Power to Remove as a Power to Control,” Villanova University, Junior Faculty Workshop, 7/30/09

Presenter, “The New Politics of Judicial Selection: What a President McCain or Obama Can Expect When Appointing,” University of Idaho College of Law, 10/31/08; Gonzaga University School of Law, 10/30/08; Lewis & Clark School of Law, 10/23/08 (debate); University of Oregon School of Law, 10/23/08; McGeorge School of Law, 9/17/08; Vanderbilt Law School, 9/3/08; University of Tennessee School of Law, 9/2/08

Presenter, “Impeachment as Judicial Selection?” Villanova Law School Faculty Workshop, 2/15/09; Pepperdine University School of Law Workshop, 11/18/08; Loyola Law School Los Angeles Workshop, 10/16/08; Florida State University College of Law, Faculty Workshop, 10/2/08; Southeastern Association of Law Schools, 7/28/08; University of Nevada, Las Vegas, Faculty Workshop, 9/14/07; Federalist Society 9th Annual Faculty Conference, 1/5/07

Presenter, “The Fortas Resignation: Removal Without Impeachment,” University of Iowa, 2/6/14; University of Nevada, Las Vegas, 5/2/13; Temple University James E. Beasley School of Law Workshop, 3/27/13; Boston College Law School Faculty Workshop, 4/16/10; Drexel University Earle Mack School of Law Faculty Workshop, 4/13/10; Michigan State University, Faculty Workshop, 1/23/09; University of St. Thomas, Minneapolis, Faculty Workshop, 9/19/08; U.C. Davis School of Law, Faculty Workshop, 9/16/08

Presenter, “When Do the President and Senate Opt Out of Nomination and Advice and Consent? A Game-Theoretic Approach,” Western Law Professors of Color/Conference of Asian Pacific American Law Faculty, University of Denver Sturm College of Law, 4/25/08

Presenter, “Are Bankruptcy Judges Unconstitutional?” Junior Federal Courts Faculty Workshop; St. Johns University School of Law (commentary by G. Ray Warner), 10/14/14; American University Washington College of Law, 4/4/08; Georgetown University Law Center Federalist Society, 4/2/08; Federalist Society Tenth Annual Faculty Conference, 1/4/08; University of Nevada, Las Vegas, “Quarter Baked” Faculty Workshop, 5/10/07

Presenter, “What’s Wrong With the Way Nevada Selects Its Judges? A Legal and Policy Analysis,” University of Nevada, Las Vegas, University Forum Lecture, 9/20/07

Presenter, “The Judicial Vesting Option: Opting Out of Nomination and Advice and Consent,” University of Missouri, Columbia, Faculty Workshop, 10/18/06

APPOINTMENTS AND HONORS

- Member, Freedom of Information Act (FOIA) Advisory Committee, 2020-22 term
- Member, Merit Selection Panel for the Appointment of a U.S. Magistrate Judge for the Eastern District of Pennsylvania, August 2020 to present
- Hearing Committee Member, Disciplinary Board of the Supreme Court of Pennsylvania, serving from July 1, 2019 until July 1, 2022
- Fulbright Specialist Roster, April 2018 to present
- Faculty Fulbright Scholar, University of Zagreb, Croatia, 2017
- Professor of the Year, William S. Boyd School of Law, UNLV, 2006-07
- Fellow, UNLV Teaching and Learning Center, 2008
- Lecturer, UNLV University Forum Lecture Series, 2007, 2009

MEMBERSHIPS AND AFFILIATIONS

- Board Member, Asian Pacific American Bar Association-PA; co-chair of CLE, social and networking committees
- Member, National Asian Pacific American Bar Association
- Member, Montgomery County Bar Association
- Member, Pennsylvania Bar Association; member Legal Academics Committee
- Member, American Bar Association
- Faculty Advisor, Villanova Asian Pacific American Law Students Association
- Faculty Advisor, Villanova Federal Bar Association

BAR AND COURT ADMISSIONS

- DC # 475121 (active status since 2001)
- PA # 318289 (active status since 2014)
- Admitted to U.S. Supreme Court, U.S. Courts of Appeals (3rd, 4th, 9th, D.C.), U.S. District Courts (D.D.C., E.D.Pa., E.D.Va., pro hac in others) and U.S. Tax Court

LANGUAGES

- English
- French