

# SHALEV GAD ROISMAN

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## ACADEMIC APPOINTMENTS

### **UNIVERSITY OF ARIZONA JAMES E. ROGERS COLLEGE OF LAW**

Associate Professor of Law, 2019-present

Distinguished Early Career Scholar, 2022-present

- Courses: Constitutional Law, Administrative Law, Presidential Power Seminar

### **HARVARD LAW SCHOOL**

Climenko Fellow & Lecturer on Law, 2017-2019

- Taught courses on Legal Research and Writing and “Lawyering for the President”

### **NEW YORK UNIVERSITY SCHOOL OF LAW**

Acting Assistant Professor of Lawyering, 2013-2015

## EDUCATION

**HARVARD LAW SCHOOL**, J.D., *magna cum laude*, June 2008

**CORNELL UNIVERSITY**, B.A., in Economics & History, May 2005

## SELECTED PUBLICATIONS & WORKS IN PROGRESS

Trump v. United States *and the Separation of Powers* (work in progress)

*What are “Exclusive” Powers?* (work in progress)

*The Limits of Formalism in the Separation of Powers*, 16 JOURNAL OF LEGAL ANALYSIS \_\_ (forthcoming 2024) (peer-reviewed)

*Balancing Interests in the Separation of Powers*, 91 UNIVERSITY OF CHICAGO LAW REVIEW \_\_ (forthcoming 2024)

- Featured on Top Ten Administrative Law SSRN Reading List (March 2024), Yale J.Reg. Notice & Comment Blog

*The President’s Subjective and Objective Legal Obligations*, 91 FORDHAM LAW REVIEW 2195 (2023)

*Presidential Motive*, 108 IOWA LAW REVIEW 1 (2022) (lead article)

*Presidential Law*, 105 MINNESOTA LAW REVIEW 1269 (2021)

- Cited in THE ATLANTIC; TODD D. RAKOFF, GILLIAN E. METZGER, DAVID J. BARRON, ANNE JOSEPH O’CONNEL & ELOISE PASACHOFF, GELLHORN & BYSE’S ADMINISTRATIVE LAW: CASES AND COMMENTS (13th ed. 2023) (2024 supplement).
- Featured on Top Ten Administrative Law SSRN Reading List (January & February 2021), Yale J.Reg. Notice & Comment Blog

*Presidential Factfinding*, 72 VANDERBILT LAW REVIEW 825 (2019)

- Cited in CURTIS A. BRADLEY, ASHLEY DEEKS & JACK L. GOLDSMITH, FOREIGN RELATIONS LAW: CASES AND MATERIALS (7th ed. 2020); N.Y. TIMES, LAWFARE, and JUST SECURITY.
- Partial basis for proposed reforms of the Office of Legal Counsel by [Project on Government Oversight](#) & by American Constitution Society, [Issue Brief: Reforming the Office of Legal Counsel: Living up to Its Best Practices](#) (October 2020).

*Constitutional Acquiescence*, 84 GEORGE WASHINGTON LAW REVIEW 668 (2016)

- Cited by Federal Circuit, *Veterans4You LLC v. United States*, 985 F.3d 850 (Fed. Cir. 2021)
- Cited in Congressional Research Service, *Withdrawal from International Agreements: The Legal Framework, the Paris Agreement, and the Iran Nuclear Agreement* (May 4, 2018)

*Constraining States: Constitutional Lessons for International Courts*, 55 VIRGINIA JOURNAL OF INTERNATIONAL LAW 729 (2015)

### SELECTED SHORTER WRITING

- [Betting it all: A response to Doerfler and Moyn's proposal to abandon constitutionalism](#), BALKINIZATION (Sept. 13, 2022)
- [The Originalist Presidency in Practice?](#), LAWFARE BOOK REVIEW (Jan. 12, 2021) (invited book review of Saikrishna Bangalore Prakash, *The Living Presidency* (2020))
- [Whose Immigration law is it?](#), BALKINIZATION (Dec. 2, 2020) (invited contribution to book review symposium on Adam Cox & Cristina Rodríguez, *The President and Immigration Law* (2020))
- [To the extent permitted by law](#), BALKINIZATION (July 24, 2020)
- [The Real Decline of OLC](#), JUST SECURITY (Oct. 8, 2019)
- [Rejecting the Bush Comparison: A Response to Goldsmith & Waxman](#), JUST SECURITY (Oct. 17, 2014)
- [Assessing the Claim that ISIL is a Successor to Al Qaeda—Part 2 \(Organizational Goals\)](#), JUST SECURITY (Oct. 6, 2014) (with Ryan Goodman)
- [Assessing the Claim that ISIL is a Successor to Al Qaeda—Part 1 \(Organizational Structure\)](#), JUST SECURITY (Oct. 1, 2014) (with Ryan Goodman)
- [A Response to Bruce Ackerman's NYT Op-Ed on the President's War Powers](#), JUST SECURITY (Sept. 12, 2014)

### OTHER EXPERIENCE

#### **UNITED STATES DEPARTMENT OF JUSTICE**

Attorney-Adviser, Office of Legal Counsel, Washington, DC, 2015 – 2017

#### **WILMER CUTLER PICKERING HALE & DORR LLP**

Associate and Senior Associate, Appellate & Supreme Court Litigation & Business Trial Grp., New York, NY, 2011-13

Summer Associate, Washington, DC (summer 2007) & New York, NY (summer 2008)

## **OBAMA FOR AMERICA**

Volunteer Attorney, Research and Writing Team, Sept.-Nov. 2012

## **UNITED STATES DEPARTMENT OF STATE**

Summer Intern, Office of the Legal Adviser, Washington, DC, summer 2007

## **INTERNATIONAL FOUNDATION FOR ELECTION SYSTEMS**

Asia Region Intern, Washington, DC, summer 2006

## **AMERICAN JEWISH COMMITTEE**

*Goldman Fellow*, Office of Government and International Affairs, Washington, DC, summer 2004

## JUDICIAL CLERKSHIPS

Judge Gerard E. Lynch, U.S. Court of Appeals for the Second Circuit, 2010-2011

Judge Robert D. Sack, U.S. Court of Appeals for the Second Circuit, 2008-2009

## SELECTED PRESENTATIONS & INVITATIONS

Invited Presenter, “Power in the Administrative State” Workshop (March 29, 2024)

Invited Participant, Roundtable Conference on “New Directions in Public Law Scholarship,” The University of Chicago Constitutional Law Institute, University of Chicago Law School (Oct. 2023)

Commentator, Symposium on “The Statutory Foreign Affairs Presidency,” *University of Pennsylvania Law Review*, University of Pennsylvania Law School (Oct. 2023)

Invited Presenter, University of Michigan Law School Public Law Workshop (April 19, 2023)  
(presented *The President’s Subjective and Objective Legal Obligations*)

Invited Participant, "*Historical Gloss and Foreign Affairs: How Governmental Practices Shape Constitutional Authority*" by Curtis A. Bradley Book Workshop, University of Chicago Law School (March 24, 2023)

Invited Participant, Roundtable on Corporations, Activism, and Political Outcomes, Center for the Philosophy of Freedom, University of Arizona (Feb. 27, 2023)

Moderator, “Power to the President: A Conversation on Executive Overreach in Latin America with Professor Susan Rose-Ackerman and Edgar Melgar,” presented by the Arizona Law Review (November 14, 2022)

Panelist, “Governing without Congress: The Use (and Abuse) of Executive Orders,” AALS Administrative Law Section, AALS Annual Meeting (January 8, 2022)

Conversant, Rehnquist Center on Constitutional Structures of Government “Constitution Day” Event (2021) with Judge David J. Barron, U.S. Court of Appeals for the First Circuit

Invited Participant, University of Virginia-Duke Foreign Relations Law Roundtable (February 2021)

Invited Participant, “The Ballot and the Sword: The 2020 Election and the U.S. Military: A Discussion Among Experts on Civil-Military Relations and Law,” The Ohio State University (July 27, 2020)

Invited Participant, Symposium on Presidential Power, Floersheimer Center for Constitutional Democracy, Benjamin N. Cardozo School of Law, New York, NY (November 8, 2019)

Invited Participant, Eleventh Annual Potomac Foreign Relations Law Roundtable, George Washington University Law School, Washington, DC (April 2017)

Presenter, *The Limits of Formalism in the Separation of Powers*

- University of Arizona-Arizona State Junior Faculty Workshop (March 2024)
- University of Arizona Spring Faculty Workshop (January 2024)

Presenter, *Balancing Interests in the Separation of Powers*

- Power in the Administrative State Workshop (March 2024)
- ACS Junior Scholars Public Law Workshop (January 2024) (selected through competitive process)
- AALS Administrative Law “New Voices” Panel (January 2024)
- University of Arizona Fall Faculty Workshop (August 2023)
- Junior International Law Scholars Association Mid-Year Meeting (July 2023)

Presenter, *The President’s Subjective and Objective Legal Obligations*

- University of Michigan Law School Public Law Workshop (April 2023)
- AALS Administrative Law “New Voices” Panel (January 2023)
- ACS Junior Scholars Public Law Workshop (January 2023) (selected through competitive process)
- Thirteenth Annual Constitutional Law Colloquium, Loyola-Chicago School of Law (November 2022)
- University of Arizona Law Fall Faculty Workshop (August 2022)
- Junior International Law Scholars Association Annual Meeting (January 2022)
- University of Virginia-Duke Foreign Relations Law Roundtable (February 2021)
- Rocky Mountain Junior Scholars Conference (November 2020)

Presenter, *Presidential Motive*

- AALS Administrative Law “New Voices” Panel (January 6, 2022)
- Twelfth Annual Constitutional Law Colloquium, The George Washington University School of Law & Loyola-Chicago School of Law (November 2021)
- Administrative Law New Scholarship Roundtable, Yale Law School (September 2021)
- University of Arizona Law Fall Faculty Workshop (August 2021)

Presenter, *Presidential Law*

- University of Arizona Law Faculty Workshop (August 2020)
- Administrative Law New Scholarship Roundtable, Yale Law School (August 2020)
- National Security Junior Scholars Workshop (June 2020)
- University of New Mexico School of Law Faculty Workshop (February 2020)
- ClimenkoFest Reunion 2019, Harvard Law School (March 2019)

- Junior International Law Scholars Association Annual Meeting, Brooklyn Law School (January 2019)

Presenter, *Presidential Factfinding*

- Faculty workshops at the University of Arizona, Brooklyn Law School, the University of New Hampshire, New York Law School, St. John's University, and the University of Virginia.
- National Conference of Constitutional Law Scholars, William Rehnquist Center, The University of Arizona James Rogers College of Law (March 2018) (selected for plenary panel)
- Junior International Law Scholars Association Annual Meeting, American University College of Law (January 2018)
- Eighth Annual Constitutional Law Colloquium, Loyola University Chicago School of Law (November 2017)
- Climenko Fellows Workshop, Harvard Law School (October 2017)

Presenter, *Constitutional Acquiescence*

- International Society of Public Law Annual Conference, NYU School of Law (July 2015)
- Lawyering Scholarship Colloquium, NYU School of Law (January 2015, July 2014)
- Junior International Law Scholars Association Annual Meeting, University of Miami Law School (January 2015)

Presenter, *Constraining States: Constitutional Lessons for International Courts*

- American Society of International Law Research Forum, Northwestern University Law School (November 2014) (selected through double-blind peer-review process)
- International Society of Public Law Conference, "Rethinking the Boundaries of Public Law and Public Space," University of Florence and European Union Institute (June 2014)
- Younger Comparativists Committee of the American Society of Comparative Law Global Conference, Lewis & Clark Law School (April 2014)
- Junior International Law Scholars Association Annual Meeting, Berkeley Law School (January 2014)
- Lawyering Scholarship Colloquium, NYU School of Law (September 2013, January 2014)

Commentator:

- *The Subjects of Tort Law*, Joanna Langille, Junior International Law Scholars Association Mid-Year Meeting (July 2023)
- *Private Enforcement of National Security*, Maryam Jamshidi, Junior International Law Scholars Association Annual Meeting (January 2022)
- *The Cost of Precedent*, Sergio Puig, University of Arizona Law 2020 Fall Faculty Workshop
- *Administrative National Security*, Elena Chachko, Junior International Law Scholars Association Annual Meeting, Brooklyn Law School (Jan. 2019)
- *The Overlapping Web of Data, Territoriality, and Sovereignty*, by Jennifer Daskal, Junior International Law Scholars Association Annual Meeting, American University College of Law (Jan. 2018)
- *Offshore Clouds*, by Andrew K. Woods, Junior International Law Scholars Association Annual Meeting, University of Miami Law School (January 2015)
- *The International Arbitrator's Duty to Apply the Law*, by Joshua Karton, Junior International Law Scholars Association Annual Meeting, Berkeley Law School (January 2014)

Guest Lectures:

- *Foreign Affairs and the President*, Public International Law, Professor Sergio Puig, University of Arizona James E. Rogers College of Law, (February 2020, February 2021)

- *Lawyering in the Executive Branch*, Foreign Relations Law, Professor Harlan Cohen, University of Georgia School of Law (October 2020)

#### SELECTED SERVICE

Committee Work: Appointments Committee (2021-22); Admissions Committee (2019-20, 2020-21 (Chair), 2021-22 (Chair), 2023-24 (Chair)), Enrichment Committee (2019-20, Fall 2022, 2023-24), Clerkship Committee (2019-20, Fall 2022), Legal-Writing Professor Search Committee (Fall 2022)

Faculty Adviser for Jewish Law Students Association

The William H. Rehnquist Center on the Constitutional Structures of Government

- Co-organizer of National Conference of Constitutional Law Scholars
- Co-organizer of National Constitutional Law Workshop

#### SELECTED MEDIA APPEARANCES

- Quoted in Andrew Restuccia & Jess Bravin, [\*Why Trump's Drastic Plan to Slash the Government Could Succeed\*](#), WALL ST. J. (Oct. 30, 2023)
- Featured in Charlie Savage, [\*Could Trump Use the Sept. 11 War Law to Attack Iran Without Going to Congress?\*](#), N.Y. TIMES (June 19, 2019)
- [\*Interviewed and featured on AZ Family\*](#), KTVK3TV & KPHO CBS 5, Phoenix, AZ, on legal challenges by then-President Donald Trump to the November 2020 presidential election results (Nov. 7, 2020)
- Interviewed and featured on Arizona Public Media, Southern Arizona's PBS and NPR affiliate, [\*U.S. Supreme Court Nomination Carries High Stakes\*](#), (Oct. 1, 2020)
- Spoken on background to WASHINGTON POST

#### AWARDS & NOMINATIONS

- Distinguished Early Career Scholar Award (2022) (received College-wide award for one "outstanding" pretenure faculty for "highly valued contributions to research and the intellectual life of the College")
- Early Career Scholar Award nomination (2023) (nominated by College of Law for University-level award recognizing "outstanding early career faculty who are at the forefront of their disciplines and make highly valued contributions to teaching, creative activity, and service")

#### OTHER PROFESSIONAL INFORMATION

- Member of American Society of International Law; International Society of Public Law; Junior International Law Scholars Association
- Peer reviewed for *Yale Law Journal*, *University of Chicago Law Review*
- Admitted to Practice: New York (2009); U.S. Supreme Court; U.S. District Court for the Southern District of New York