

## Matthew J. Festa

South Texas College of Law  
1303 San Jacinto Street  
Houston, Texas 77002

(713) 646-1857 (office)  
[mfesta@stcl.edu](mailto:mfesta@stcl.edu)  
<http://ssrn.com/author=658532>

### ACADEMIC APPOINTMENTS

#### **South Texas College of Law**

Assistant Professor of Law, 2008-present.  
Visiting Assistant Professor of Law, 2007-08.  
Courses taught: Property I; Property II; Land Use Management & Control; Wills, Trusts, & Estates.

#### **University of Georgia School of Law**

Visiting Assistant Professor of Law, 2006-2007.  
Courses taught: Civil Procedure I; Civil Procedure II; Land Use Planning.

### EDUCATION

#### **Vanderbilt University Law School.** J.D., 2002.

Executive Editor, *Vanderbilt Law Review*.

#### **Vanderbilt University.** M.A., History, 2002.

Focus on U.S. legal history.

#### **Murray State University.** M.P.A., Public Administration, 2001.

#### **University of Notre Dame.** B.A. *cum laude*, History, English, 1995.

### EXPERIENCE

#### **Locke Lord Bissell Liddell LLP** (formerly Locke Liddell & Sapp), Houston, TX.

Litigation and appellate practice in land use, commercial litigation, environmental, intellectual property, mass tort, and bankruptcy law, 2004-06.

#### **United States Court of Appeals for the Sixth Circuit**

Judicial Law Clerk to The Honorable Deborah L. Cook, 2003 Term.

#### **United States District Court for the Eastern District of Kentucky**

Judicial Law Clerk to The Honorable William O. Bertelsman, 2002 Term.

#### **United States Army**

101st Airborne Division, 1995-99.

U.S. Army Reserve, 1999-present; Judge Advocate General's Corps.

Matthew J. Festa

## SCHOLARSHIP

### *Articles*

- *Applying a Usable Past: The use of History in Law*, 38 SETON HALL LAW REVIEW 479 (2008), available at: <http://ssrn.com/abstract=1004643>.
- *Dueling Federalists: Supreme Court Decisions with Multiple Opinions Citing The Federalist, 1986-2007*, 31 SEATTLE UNIVERSITY LAW REVIEW 75 (2007), available at: <http://ssrn.com/abstract=1004630>.
- Note, *The Origins and Constitutionality of State Unit Voting in the Electoral College*, 54 VANDERBILT LAW REVIEW 2099 (2001), available at: <http://ssrn.com/abstract=1004665>.

### *Books & Periodicals*

- Contributing Editor, *Keeping Current*, PROBATE & PROPERTY, American Bar Association, 2008-present.
- Contributing Author, THE RULE OF LAW HANDBOOK: A PRACTITIONER'S GUIDE, Center for Law and Military Operations, 2008.

### *Works in Progress*

- *Property and Republicanism in the Northwest Ordinance of 1787* (draft), available at: [http://works.bepress.com/matthew\\_festa/](http://works.bepress.com/matthew_festa/).
- "A Property Rights Approach to Progressive Land Use" (empirical and analytical study of land use cases and policies, theorizing a relationship between decreased regulation and proliferation of flexible and progressive forms of land development).
- "Property Rights and the Rule of Law" (analyzing U.S. Government rule of law operations abroad and recommending increased emphasis on property rights for political stability and economic development).
- "Property Ownership in America from Jefferson to the Mortgage Crisis and Beyond"

### *Thesis*

- *Property Rights and the Northwest Ordinance* (2002) (M.A. Thesis in History directed by James W. Ely, Jr.; on file at Vanderbilt University Library).

***Encyclopedia Entries***

- "State Constitutions," in Fremont-Barnes & Ryerson eds., *Encyclopedia of the American Revolutionary War: A Political, Social, and Military History*. ABC-CLIO (2006).
- "State Making and Admission," in Paul Finkelman et al., eds., *Encyclopedia of the New American Nation*, Charles Scribner's Sons (2005).
- "*Burson v. Freeman*," in David Schultz ed., *Encyclopedia of the Supreme Court*. Facts on File, Inc. (2005).
- "*The Civil Rights Cases*"; "Constitutional Amendments"; "Election of 1876"; "Federal Railroad Regulation"; and "*Plessy v. Ferguson*"; in John Buenker & Joe Buenker eds., *The Encyclopedia of the Gilded Age and Progressive Era*. M.E. Sharpe (2005).

***Academic Conference Presentations***

- "A Property Rights Approach to Progressive Land Use," Southeastern Association of Law Schools (SEALS), forthcoming August 2009
- "Property Ownership in America from Jefferson to the Mortgage Crisis and Beyond," Association for the Study of Law, Culture, and the Humanities (ASLCH), forthcoming April 2009
- "The Role of Property Rights in Promoting the Rule of Law in Post-Conflict Societies," National Security Law Junior Scholar Workshop, University of Texas at Austin, forthcoming March 2009.
- "Property Ownership in America from Jefferson to the Mortgage Crisis and Beyond," Missouri Valley History Conference, forthcoming March 2009.
- "A Property Rights Approach to Progressive Land Use," Junior Property Scholars Workshop, Widener University, 2008.
- Invited Panelist, "The Relationship between Environmental Regulation and Inverse Condemnation: What is the Individual Cost for Environmental Protection?" Red Clay Conference in Environmental Law, 2007.
- "The Role of Property Rights in Founding-Era Republicanism," Southwest Social Science Association, 2006.
- Discussant, "Latino History," Southwest Social Science Association, 2006.

Matthew J. Festa

- “The Neglected Role of Property Rights in the Founding-Era Vision of the Common Good,” Association for the Study of Law, Culture, and the Humanities (ASLCH), 2006.
- “The Underestimated Role of Property in Founding-Era U.S. Republican Ideology,” New England Historical Association, 2005.
- “Applying a Usable Past: Historical Evidence in the Law,” annual meeting of the Association for the Study of Law, Culture, and the Humanities (ASLCH), 2005.
- Chair & Discussant, “Legal & Economic History,” Interdisciplinary Session, Southwest Social Science Association, 2005.
- “Conflicting Opinions Citing *The Federalist* on the Rehnquist Court, 1986-2005,” Southwest Political Science Association, 2005.
- “The Application of a Usable Past,” Southwest Historical Association, 2005.
- “Dueling *Federalists*,” Southern Political Science Association, 2005.
- “The Application of a Usable Past: Toward a Reconciliation of the Professional Standards of History and Law,” biennial meeting of The Historical Society, 2004.
- “Private Rights and the Public Good: The Northwest Ordinance, Property Law, and Constitutionalism in the Early Republic,” annual meeting of the Society for Historians of the Early American Republic (SHEAR), 2003.
- “Dueling Federalists and Judicial Politics: Rehnquist Court Cases with Multiple Uses of *The Federalist*, 1986-2003,” Georgia Political Science Association, 2003.
- “The Northwest Ordinance, Property Law, and the Political Economy of the Early Republic,” Great Lakes History Conference, 2002.
- “The Role of Property Rights in the Northwest Ordinance,” Ohio Valley History Conference, 2001.

### ***Media***

- Panelist, “Studying the Rehnquist Court,” broadcast on C-SPAN’s *America & the Courts* series, Jan. 22, 2005.
- *City Seeks Delay in Rules for High-Rises / Shift in Tactics Disappoints Opponents of Ashby Project*, HOUSTON CHRONICLE, Feb 14, 2008, [http://www.chron.com/CDA/archives/archive.mpl?id=2008\\_4513654](http://www.chron.com/CDA/archives/archive.mpl?id=2008_4513654)
- *Bit of Land Triggers Big Fight over City’s Eminent Domain Powers / Case Centers on Whether Eminent Domain used on Developer’s Behalf*, HOUSTON CHRONICLE, Dec. 28, 2008, [http://www.chron.com/CDA/archives/archive.mpl?id=2008\\_4682728](http://www.chron.com/CDA/archives/archive.mpl?id=2008_4682728)

## **SERVICE**

- Faculty Committee service:
  - Admissions Committee
  - Career Resources Committee
  - Orientation Committee
- Law School service:
  - Informal advisor/moot court practice judge to Jessup International Moot Court Team; Health Law intramural moot court team
  - International Law Students Association judge for Jessup Super-Regional Moot Court competition (2008-09)
  - Participant in STCL Real Estate Law Society events
  - STCL Liaison to Houston Bar Association “Veterans’ Initiative”
  - Supervisor for independent student research projects and advisor for law review student articles
- U.S. Army Reserve JAG service:
  - Legal assistance (estate planning, consumer law, family law, etc.) to servicemembers, families, and veterans in southeast Texas.
  - Office of Military Commissions-Defense (defense counsel to Guantanamo detainees)—drafted first brief to new Court of Military Commission Review; assisted in defense merits brief on *Boumediene v. Bush*.
  - The Judge Advocate General’s Legal Center and School (ABA-accredited law school)—drafted and edited new legal doctrine for military operations.

## **AWARDS AND HONORS**

- Vanderbilt Law Review Candidates’ Award, 2002 (Most significant contribution to editor development).
- Best Oralist, Lightfoot Franklin & White Legal Writing Awards, 2000.
- Army Commendation Medal and Army Achievement Medal with oak leaf clusters.
- Elected to Phi Alpha Theta history honor society.

## **PROFESSIONAL AND CIVIC ACTIVITIES**

- AALS Property Law Section
- ABA Section of Real Property, Trust and Estate Law
- American Society for Legal History
- American Society for Public Administration
- Association for the Study of Law, Culture, & the Humanities
- Society for Historians of the Early American Republic
- Admitted in Texas; U.S. Court of Appeals, Fifth Circuit; U.S. District Court, Southern, Eastern, and Northern Districts of Texas
- State Bar of Texas, Real Property Section
- Houston Bar Association, Real Property Section