

MATTHEW AHN
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LAW TEACHING EXPERIENCE

Cleveland-Marshall College of Law, Cleveland, OH

Visiting Assistant Professor of Law

2021 –

Courses: Civil Procedure; Race, Racism, and the Law; and Advanced Brief Writing.

EDUCATION

New York University School of Law, New York, NY

J.D., May 2014

Honors: *Law Review*, Senior Executive Editor—*Senior Board position*
Rosenkranz Foundation Scholarship in Law and Economics

Activities: Public Sector Structural Change in K-12 Education Clinic, Student Advocate
Prisoners' Rights Education Program, Student Instructor

University of Minnesota, Minneapolis, MN

M.A. in Music Composition, August 2010

Honors: Sorenson Fellowship—*full fellowship with stipend*

Activities: American Composers' Forum
Contemporary Music Workshop

Case Western Reserve University, Cleveland, OH

B.S. in Chemistry, B.A. in Music Theory, *cum laude*, May 2008

Honors: W.R. Veazey Prize in Chemistry
Kennedy Prize in Music

Dean's High Honors (five semesters)
Activities: Case/University Circle Symphony Orchestra

PROFESSIONAL EXPERIENCE

Federal Public Defender for the Northern District of Ohio, Toledo, OH

Research and Writing Specialist

2019 – 2021

Lead attorney for all Sixth Circuit appeals in the Toledo office, including series of appeals that dramatically expanded scope of compassionate release in the Sixth Circuit as well as appellate win due to prosecutorial breach of plea agreement. Drafted major filings for trial counsel, including motions to dismiss, post-trial motions for judgment of acquittal, and motions to suppress. Drafted over 50 sentencing memoranda, over 90% of which resulted in downward variances, downward departures, or mandatory minimum sentences.

United States Court of Appeals for the Third Circuit, Philadelphia, PA

Law Clerk for the Hon. Jane R. Roth

2018 – 2019

Mobilization for Justice, Inc. (formerly Partnership for Children's Rights), New York, NY

Sinsheimer Children's Rights Fellow

2016 – 2018

Lead attorney on nine special education administrative hearings, four of which proceeded to full hearing and all of which resulted in victory. The remaining five also settled favorably. Secured over 20 other favorable settlements without having to file an administrative complaint.

United States District Court for the Northern District of New York, Albany, NY

Law Clerk for the Hon. Lawrence E. Kahn

2015 – 2016

Center for Appellate Litigation, New York, NY

Appellate Fellow

2014 – 2015

Wrote and filed seven direct criminal appellate briefs, securing two favorable outcomes for clients. Prepared two parole packages, both of which resulted in grants of parole (compared to typical success rate of 10%). Wrote and filed an civil appeal of unconstitutional parole conditions that received a favorable settlement.

ADDITIONAL TEACHING EXPERIENCE

Cuyahoga Community College

Instructional Assistant, Math/Science

Spring/Summer 2011

Created support curriculum for first-generation and low-income community college students, with a focus on nontraditional teaching aids for remedial mathematics. Led regular small-group workshops implementing these strategies.

University of Minnesota School of Music

Graduate Instructor, History of Rock and Fundamentals of Music

2009 – 2010

PUBLICATIONS & WORKS-IN-PROGRESS

Navigating Beyond the Lodestar: Borrowing the Sentencing Guidelines Framework to Provide Predictability (work-in-progress): The lodestar has been the dominant calculation method for attorneys' fees in fee-shifting cases for nearly 40 years. But it has persistent issues and creates poor incentives for litigants. This Article argues that the lodestar's issues result from a mismatch between the lodestar and the purpose of the underlying fee-shifting statutes, which encourage attorneys to bring suits that would not normally be economically viable. Encouraging attorneys to do so requires predictability, and predictability is impossible within the lodestar. This Article therefore proposes adopting a more predictable framework akin to the Federal Sentencing Guidelines, creating an automatic calculation that the judge can endorse or, in an unusual case, deviate upward or downward from.

The Administrative Law Tension in the Federal Compassionate Release Framework and Assessing Sentencing Factors in Retrospect: Debunking Compassionate Release's Legal Fiction (works-in-progress): Federal compassionate release, as expanded by the First Step Act, has been hailed as a potential way to take a second look at sentences, circumvent punitive mandatory minimums, and allow for flexibility when unforeseen circumstances arise (such as a pandemic). These two related works are designed to address discretion-related concerns about the two substantive steps of the current compassionate release analysis. The first dives into an administrative law tension in the Sentencing Commission's delegation of "extraordinary and compelling reasons" to the Federal Bureau of Prisons and advocates for assessing the validity of future policy statements under a true *Auer* analysis. The second observes the difficulties of re-analyzing the sentencing factors in 18 U.S.C. § 3553(a) years after a sentence has been imposed and the logical assumptions used by judges to deny a reduction in sentence when one might be otherwise merited, and it subsequently argues that the arguments against expansive compassionate release due to its similarity to parole are instead points in its favor.

Settlement on the Civil Pro Se Docket: Disappearing Precedent (work-in-progress): The development of the law through precedent is a fundamental assumption of the U.S. common-law system. However, when pro se litigants sue government entities for violations of their civil rights, an overwhelming number of meritorious cases settle, as both the pro se plaintiff and the government are heavily incentivized to do so. As a result, the precedent created from this segment of the docket is either unhelpfully sparse or tilted toward unsuccessful suits. This article argues that the most effective measure to allow pro se plaintiffs to support their claims despite this absence of precedent is to create an administrative system to release advisory opinions, along the lines of ethics advisory opinions, that can be treated as a persuasive secondary source in briefing.

Note, *44.1 Luftballons: The Communication Breakdown of Foreign Law in Federal Courts*, 89 N.Y.U. L. REV. 1343 (2014): Rule 44.1 was established in the 1966 amendments to the Federal Rules of Civil Procedure to ensure that the content of foreign law, once deemed to apply through the choice-of-law analysis, was treated as a question of law. However, in recent years, various circuits have defaulted to the use of forum law if foreign law has not been "proven." This note contends that such defaults contravene the purpose of Rule 44.1 and

proposes an expansion of the text of the rule to make clear that the courts cannot decline their duty to ascertain foreign law if it applies.

TEACHING AND RESEARCH INTERESTS

Critical Race Theory, Civil Procedure, Criminal Law, Criminal Procedure, Legal Skills and Legal Methods, Federal Courts, Complex Litigation, Administrative Law, Property