

CURRICULUM VITAE

University of Idaho

NAME: Rumel, John

DATE: July 28, 2020

RANK OR TITLE: Full Professor

DEPARTMENT: College of Law

OFFICE LOCATION AND CAMPUS ZIP:
Idaho Law and Justice Learning Center, Room 309

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DATE OF FIRST EMPLOYMENT AT UI: July 1, 2011

DATE OF TENURE: August 14, 2016

DATE OF PRESENT RANK OR TITLE: August 13, 2018

EDUCATION BEYOND HIGH SCHOOL:

Degrees:

J.D., 1981, University of California, Hastings College of Law
Note Editor, Hastings Constitutional Law Quarterly
Judicial Extern to Justice Jerome Smith, California Court of Appeals, First Appellate District, Division II
1066 Club Scholarship

B.A., 1977, University of California Santa Cruz
Double Major: History and Politics
Graduated with Honors in History; Honors on the Oral Comprehensive Exams in History and in Politics

Certificates and Licenses:

California State Bar # 100172 (inactive status)
Idaho State Bar # 4735 (inactive status)

EXPERIENCE:

Teaching Appointments:

Professor, University of Idaho College of Law, 2018-Present

Associate Professor, University of Idaho College of Law, 2011-2018

Adjunct Faculty Member, University of Idaho College of Law, Fall semester 2010, Spring semester 2009 and Fall and Spring semesters 2007-2008

Affiliate Associate Professor of Educational Administration, University of Idaho College of Graduate Studies and College of Education, Department of Educational Administration, Spring semester 2005

Visiting Associate and Visiting Assistant Professor of Law, Santa Clara University School of Law, 1990 – 1993

Adjunct Faculty Member, San Francisco Law School, 1989-1991

Instructor, University of California Hastings College of Law, 1986-1989

Academic Administrative Appointments:

Director, Institute of International and Comparative Law, Santa Clara University School of Law, Hong Kong and Singapore Summer Programs, 1991 and 1993

Non-Academic Employment:

General Counsel, Idaho Education Association, September 1995-June 2011: Advised state teachers' union and its members and locals concerning education-related employment, labor and certification matters; initiate and defend administrative proceedings, litigation and appeals in those subject areas

Attorney, Stoel Rives Boley Jones & Grey, December 1993 to August 1995: Specialized in complex litigation and appeals in state and federal court with emphasis on education, employment, professional liability and product liability matters

Attorney, Broad Schulz Larson & Wineberg, December 1985 to July 1990 (Partner: July 1989 to July 1990; Associate: December 1985 to June 1989): Specialized in complex commercial and civil litigation in federal court with an emphasis on antitrust actions

Attorney, Berliner, Cohen & Biagini, September 1983 to November 1985: Specialized in general civil litigation in state and federal courts with an emphasis on commercial and real property matters

Judicial Law Clerk to the Honorable William T. Sweigert, Senior United States District Judge and Honorable Robert P. Aguilar, United States District Judge, United States District Court, Northern District of California

Consulting:

Drafted Amicus Curiae Brief for National Whistleblower Center in support of plaintiff in public sector employee whistleblower case, *Eller v. Idaho State Police*, Idaho Supreme Court, Docket Nos. 45698 & 45699, Boise, February 2019 Term (May 24, 2019)

Served as a summarization witness for plaintiffs concerning voluminous documents in civil case involving child abuse in *John Does v. Boy Scouts of America*, District of Idaho, Case No. 1:13-cv-00275-BLW, November 2017 to May 2019

TEACHING ACCOMPLISHMENTS:**Areas of Specialization:**

Education Law, Employment and Labor Law, Evidence, Remedies, and Civil Procedure

Courses Taught:

University of Idaho College of Law

Education Law, Law 901-11—Spring 2009, 2013 and 2014, Summer 2015, Fall 2016 and 2018

Introduction to Law of the Workplace, Law 908 -- Fall 2007, Spring 2008, Fall 2010, Fall 2014 and 2015 and Spring 2017, 2018 and 2019

Evidence, Law 950 – Fall 2011, 2012, 2013, 2014 and 2015, Spring 2017, 2018, 2019 and 2020 and Summer 2019 and 2020

Introduction to Law and Procedure, Law 805 – Fall 2011, 2012, 2013 and 2018

Procedure II, Law 806 – Spring 2012, 2013, 2014 and 2020

Remedies, Spring 2015 and 2016 and Fall 2017

Lawyering Process, Spring 2015 and 2016 and Fall 2016 and 2017

University of Idaho, College of Graduate Studies and College of Education, Department of Educational Administration, Ethics and Law of Higher Education, EDAD 527, Spring 2005

Santa Clara University School of Law
Civil Procedure, Fall and Spring 1990-1993
Remedies, Fall 1990-1992
Constitutional Law, Fall 1991
Upper Division Legal Writing and Analysis, Spring 1991 and 1992

San Francisco Law School
Remedies, Fall and Spring 1989-1991

University of California, Hastings College of Law
Legal Writing and Research, Fall and Spring 1986-1989

Students Advised:**Student Groups and Teams:**

Faculty Advisor to the Idaho Law Review Editorial Staff on the 2016 Symposium Edition on Equality in Employment
Faculty Advisor to the College of Law Idaho Trial Lawyers Association Student organization, 2014-Present
Faculty Advisor to the College of Law Law Students for Appropriate Dispute Resolution (“LSADR”) organization, 2013-2014 and 2020-Present
Faculty Coach to the College of Law Tulane Pro Football Negotiation Competition Team, Tulane University Law School, 2020
Faculty Coach to the College of Law Jerome Prince Memorial Evidence Moot Court Team, 2012 – 2017
Faculty Coach to the College of Law National Latina/o Law Students Association Moot Court Team, 2012, 2014, 2015 and 2016
Faculty Coach to the College of Law’s American Bar Association Section of Dispute Resolution Representation in Mediation Team, 2013-2014
Faculty Advisor to the College of Law Law Democrats, 2011- 2013

Individual Students:

Unless law professors are involved in interdisciplinary work, they typically do not advise graduate or professional school students in the sense of serving as a major professor, co-major professor or Masters or Ph.D. committee member. However, from Fall 2011 to the present (and prior to that when I was an adjunct faculty member), I have advised numerous College of Law students as an assigned mentor and have advised and supervised numerous other College of Law students concerning satisfying writing requirements in regards to the College of Law’s Upper Division Writing Requirement, the Idaho Law Review’s writing requirement, and the now defunct Litigation and Alternative Dispute Resolution emphasis area’s writing requirement.

Courses Developed:

Although Education Law may have been taught previously at the College of Law by another adjunct faculty member, I developed – first as an adjunct and then as a full-time, tenure-track professor – an Education Law course which focuses primarily on K-12 education. The course introduces students to the legal and policy issues that arise in the K-12 setting and prepares students to effectively practice law in that area.

Honors and Awards:**General**

2015 Distinguished Lawyer Award (given by the Idaho State Bar “to an attorney (or attorneys) each year who has distinguished the profession through exemplary conduct and many years of dedicated service to the profession and to Idaho citizens”)

University or College of Law

2016 Outstanding Faculty Member, College of Law Boise Campus (voted on by Boise campus students and given “in recognition of exceptional service to students and excellence in education”)

2015 University of Idaho Alumni Award for Excellence, Inspirational Mentor (nominated by College of Law student Pat Fackrell)

2014 University of Idaho Alumni Award for Excellence, Inspirational Mentor (nominated by College of Law student Alayne Randall)

2012 University of Idaho Alumni Award for Excellence, Inspirational Mentor (nominated by College of Law student Jaelyn Hovda)

SCHOLARSHIP ACCOMPLISHMENTS:

Publications:

Law Reviews and Journals

Promises Made, Promises Broken: The Idaho School Funding Litigation, accepted for publication in 2021 in Volume 56 or 57 of the Idaho Law Review

Beyond Heffernan and Abercrombie: Toward a Uniform Approach to Discrimination and Retaliation Claims Based on Misperception Theory in the Employment Context, accepted for publication in 2020 in Vol.24, Issue 2 of the Employee Rights and Employment Policy Journal (peer reviewed publication)

Statewide and Local Teacher Strikes Since Spring 2018: A Comparative Analysis, 374 Ed. Law Rptr. 24 (2020)

If You Leave Me Now ...? – The Family and Medical Leave Act in the K-12 School Context, 358 Ed. Law Rptr. 741 (2018)

Public Employment Law: Answering the Unanswered and Related Questions in Lane v. Franks, 34 Hofstra Lab. & Emp. L.J. 243 (2017), concise, practical version republished in 34 Illinois Public Employee Relations Reporter 3 (2017)

Regulation of Teacher Certification in Idaho: Proceedings before Idaho’s Professional Standards Commission Concerning the Denial of an Application for or Action against a Teaching Certificate, 53 Idaho L. Rev. 527 (2017)

Beyond Nexus: A Framework for Evaluating K-12 Teacher Off-Duty Conduct and Speech in Adverse Employment and Licensure Proceedings, 83 U. Cin. L. Rev. 685 (2015)

Toward an “Unqualified” Otherwise Qualified Standard: Job Prerequisites and Reasonable Accommodation under the Americans with Disabilities Act, 18 Employee Rts. & Emp. Pol’y J. 35 (2014) (peer reviewed publication)

Back to the Future: The In Loco Parentis Doctrine and Its Impact on Whether K-12 Schools and Teachers Owe a Fiduciary Duty to Students, 46 Indiana L. Rev. 711 (2013)

Federal Disability Discrimination Law and the Toxic Workplace: A Critique of ADA and Section 504 Case Law Addressing Impairments Caused or Exacerbated by the Work Environment, 51 Santa Clara L. Rev. 515 (2011).

A Question of Fairness: The Proper Standard of Review of School Board Just and Reasonable Cause Determinations in Teacher Termination Proceedings in Idaho, 41 Idaho L. Rev. 263 (2005)

The Hourglass and Due Process: The Propriety of Time Limits on Civil Trials, 26 U.S.F.L. Rev. 237 (1992)

Post-Trial Motions in Private Antitrust Actions: A Practitioner's Guide, 10 Rev. Litig. 25 (1990)

Book Chapter

Federal Antidiscrimination Law, Chapter 5, *Administrators' Guide to Employment Law and Personnel Management in Schools* (Mark Paige and Adam Ross Nelson, Eds.) Education Law Association, Cleveland, OH (2018)

Professional Magazine Articles

Law

Avoiding These Eleven Common Evidentiary Mistakes, co-authored with Tim Gresback, JD, 60 - October Advocate (Idaho) 37 (2017)

From Agency to Zattiero – The Effect of School Board Policy, 47- May Advocate (Idaho) 15 (2004)

Education

Retaliation Claims involving School Personnel under Federal Employment Law, co-authored with Suzanne Eckes, Ph.D., in the Legal Matters Section of the November 2017 Issue of Principal Leadership magazine

Dealing with ADA Employment Issues, co-authored with Suzanne Eckes, Ph.D., in the Legal Matters Section of the May 2016 Issue of Principal Leadership magazine

Presentations and Professional Meeting Papers and Workshops:

Presentations and Professional Meetings:

Impeachment Past and Present, Co-Presenter/Co-Panelist. Jointly Sponsored by the American Constitution Society and the Federalist Society, University of Idaho College of Law, January 30, 2020

Statewide and Local Teacher Strikes Since Spring 2018 – A Comparative Analysis, Concurrent Session Paper Presentation, 2019 Education Law Association Annual Conference, November 13-15, 2019, Norfolk, VA

Potpourri from the Faculty -- Civil Cases Decided by the Idaho Supreme Court in the Last Year (or so), Continuing Legal Education Presentation, Presenter, 2019 Idaho State Bar Annual Meeting, July 26, 2019, Boise, ID (no paper)

Admissibility of Opinion Evidence – Lay Witnesses and Experts, Presentation at the Idaho Trial Lawyers Association, Spring Seminar, February 22, 2019, Boise, ID (no paper)

We Aren't Getting Any Younger -- Age Discrimination: School District Obligations and Teachers Rights, Concurrent Session Paper Presentation, 2018 Education Law Association Annual Conference, November 7-10, 2018, Cleveland, OH

United States Supreme Court Term Review and Preview, Co-Presenter/Co-Panelist, University of Idaho Constitution Day Program, September 17, 2018, Boise and Moscow, ID

Hot Topics & New Cases in 2017-2018, Panelist, Martha McCarthy Education Law and Policy Institute,

June 7, 2018, Indiana University, Bloomington, IN

“If You Leave Me Now” ... The Family Medical Leave Act and K-12 Personnel, Concurrent Session Paper Presentation, 2017 Education Law Association Annual Conference, November 9-11, 2017, San Diego, CA

Selected Issues on Idaho Evidence Law, Presentation at the Idaho Trial Lawyers Association, Fall Seminar, October 13, 2017, McCall, ID (no paper)

The Admissibility of Polygraph Evidence in Federal and State Courts in Idaho, Presentation (as co-presenter on polygraph issues) at an Inns of Court monthly meeting, Spring 2017, Boise, ID

Teacher and Other Political Speech in the K-12 Setting: Rights and Permissible Regulation, Concurrent Session Paper Presentation, 2016 Education Law Association Annual Conference, November 3-5, 2016, Orlando, FL

What Not to Wear ... or Do, Email, Tweet or Blog – The Questionable Off Duty Conduct Standards, 2016 National Organization of Lawyers for Education Associations (“NOLEA”) Annual Conference, October 8, 2016, Boston, MA

Pregnancy Discrimination, Co-presenter, 2016 Idaho Law Review Symposium on Equality in Employment, April 1, 2016, Boise, ID

Overlapping Protections: An Analysis of Recent Issues and Trends Arising Under Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 in the K-12 Context, Concurrent Session Paper Presentation, 2015 Education Law Association Annual Conference, November 5-7, 2015, Cleveland, OH

The Idaho Rules of Evidence: Selected Topics -- Recent Decisions Applying the Idaho Rules of Evidence, 2015 Annual Idaho Judicial Conference, September 22, 2015, Boise, ID

Employment and Labor Law Update – Pregnancy Discrimination Issues, Continuing Legal Education Presentation, Co-presenter, 2015 Idaho State Bar Annual Meeting, July 22-24, 2015, Sun Valley, ID (no paper)

Duty of Loyalty and Key Employees, Continuing Legal Education Panel discussion at Idaho State Bar’s Business and Corporate Law Section luncheon, Winter 2015 (no paper), Boise, ID

Employment and Labor Law Issues in Charter Schools, Concurrent Session Paper Presentation, 2014 Education Law Association Annual Conference, November 13-15, 2014, San Diego, CA

Drug Recognition Evaluations and Modified Romberg Tests: A Primer on the Law, Presentation as Co-Panelist at an Inns of Court monthly meeting, Fall 2014, Lewiston, ID

Business Law and Evidence, Presentation at “Business Law Lessons from the Experts: What I Wish I’d Known as a New Attorney,” a Continuing Legal Education Event sponsored by the University of Idaho College of Law Business Law Association student organization, Spring 2014 Boise, ID

Continued Union Winter or Spring Thaw?: An Analysis of Contemporaneous and Subsequent Political and Legal Responses to Anti-Teachers Union Legislation Enacted during 2011 State Legislative Sessions, Concurrent Session Paper Presentation, 2013 Education Law Association Annual Conference, November 13-15, 2013, Westminster, CO

Rules of Evidence 101 – Recent Developments in Federal, Idaho and Other State Evidence Law, Presentation at the Idaho Trial Lawyers Association, Tricks of the Trade Conference, February 22, 2013, Boise, ID (no paper)

Back to the Future: The In Loco Parentis Doctrine and Its Impact on Whether K-12 Schools and Teachers Owe a Fiduciary Duty to Students, Concurrent Session Paper Presentation, 2012 Education Law Association Annual Conference, November 7-10, 2012, Hilton Head, SC

The Latest on Employment Discrimination for Schools, Concurrent Session Paper Presentation Co-Presenter, 2012 Education Law Association Annual Conference, November 9-12, 2011, Chicago, IL
Union Winter an Examination of the Assault on Teachers and Other Public Sector Labor Unions, Presentation as part of lecture series sponsored by the College of Law's American Constitution Society, Fall 2011 (no paper)

The Code of Ethics for the Idaho Teaching Profession, Presentation to University of Idaho College of Education Students at Seminar regarding Field Experience, Fall 2011 (no paper)

Videos:

Supreme Court Nominee Judge Kavanaugh and Federal Employment Law, University of Idaho College of Law—Kavanaugh Project, video presentation, <https://vimeo.com/album/5363174/287119304>, Fall 2018

Supreme Court Nominee Judge Gorsuch and Current Labor and Employment Law Issues, University of Idaho College of Law—Gorsuch Project, video presentation, <https://vimeo.com/208751818>, Spring 2017

Workshops:

Presented on the topic “Misperception Theory in Employment Discrimination and Retaliation Cases,” University of Idaho Faculty Colloquium, January 28, 2019, in person (Boise) and via video (Moscow)

Presented an early draft of *Beyond Nexus: A Framework for Evaluating K-12 Teacher Off-Duty Conduct and Speech in Adverse Employment and Licensure Proceedings* and critiqued other presenters' manuscripts at the Inland Northwest Scholars Conference, July 14, 2014, Spokane, WA (participated by video from Boise, ID)

Presented an early draft of *Toward an "Unqualified" Otherwise Qualified Standard: Job Prerequisites and Reasonable Accommodation under the Americans with Disabilities* and critiqued other presenters' manuscripts at the inaugural Inland Northwest Journal Scholars Conference, July 24, 2013, Moscow, ID (participated by video from Boise, ID)

Grants:

Burton Ellis Research Scholar (and other) Summer research grants

Summer 2012, 2013, 2014, 2016, 2017 and 2018

University of Idaho College of Law

\$15,000 first two summers/\$11,000 third summer/\$12,000 fifth, sixth and seventh summers

Serve as the University of Idaho College of Law's representative concerning an AFRI Competitive Grant entitled “Research & Understanding: Rural Assistance for Latino Businesses,” Project Director Paul Lewin, Ph. D, February 2016 – Present

Serve as the University of Idaho College of Law's representative concerning an AFRI Competitive Grant entitled “Understanding and Supporting Women and Minority Entrepreneurship,” Project Director Paul Lewin, Ph. D, June 2019 – Present

SERVICE:**Major Committee Assignments:****University:**

Dean for College of Law Search Advisory Committee, March 2020 --Present
Faculty Compensation Task Force, Member, October 2016 – May 2018
Campus Security Committee, Member, March 2016 – Present
Student Appeals Committee (recently renamed and reconstituted as the Student Conduct Board),
Panelist, August 2016 -- Present

College of Law:

Curriculum Committee, Member, August 2013 – May 2018; Chair, Fall 2016 – May 2018
Teaching Resources Subcommittee of the Curriculum Committee, September 2015 – July 2016
Moot Court Subcommittee of the Curriculum Committee, August 2018 – Present
Dean's Advisory Committee, August 2018 – May 2018
Promotion and Tenure Standards Committee, Member, August 2013 – July 2014
Professionalism Committee, Member, August 2012 – July 2013
Diversity Committee, Member, August 2011- July 2012
Honor Court, Faculty Justice, August 2011 – July 2016 and August 2018 – Present
Library Committee, January 2020 -- Present

Professional and Scholarly Organizations:

Education Law Section, Association of American Law Schools, Executive Committee member, January 2015-Present;

Education Law Association member, member during prior years, but most recently a member from Fall 2011 – Present; ELA Membership Committee, Law School Recruitment subcommittee, Fall 2017 -- Present

American Bar Association member, September 2011 – Present
American Inns of Court member, September 2013 – Present

University of Idaho Faculty Federation, American Federation of Teachers Local 3215 member, November 2016 – Present; President, May 2018 – July 2019

Idaho Trial Lawyers Association (ITLA) member, January 2017 – Present; ITLA Amicus Committee member, May 2019 -- Present

General Service to College of Law:

Participated as a faculty presenter during the College of Law's Orientation program for first year and other entering students, Fall 2011, 2012, 2013, 2014, 2017 and 2018

Served as member and/or Co-Coordinator (with Professor Maureen Laflin) of the College of Law's Litigation and Alternative Dispute Resolution emphasis area faculty, Fall 2011 – Spring 2017

Participated as a faculty member/presenter during the College of Law's Early Welcome program for first year students, Fall 2012, 2013 and 2014

Served as a co-moderator during panel discussion entitled "Extreme Disputes: Lawyers Managing Compensation Systems" conducted as part of the College of Law's Bellwood Lecture program, October 2012

Served as a judge in the College of Law's American Bar Association Law Student Division Intra-School Negotiation Competition, Spring 2012, 2013, 2014, 2015 and 2016

Served as a judge and/or mediator in the College of Law's American Bar Association Section of Dispute Resolution Representation in Mediation Team Intra-School Competition; also served as the mediator at scrimmages conducted by the College of Law's two teams prior to the regional competition, Fall and Spring 2012, 2013, 2014, 2016 and 2017

Served as a judge for multiple sessions of the College of Law's first year students' oral argument on their Legal Writing and Research appellate brief assignment, Spring 2011, 2012, 2013, 2014, 2018 and 2019

Served as a judge during a preliminary round of the College of Law's McNichols Moot Court Competition, Fall 2011, 2012, 2013, 2014, 2015, 2017 and 2018

Served as a judge during a practice round for the College of Law's National Moot court team, Spring 2011, 2012, 2013, 2014, 2015, 2016 and 2017 and Fall 2018

Served as a juror during the College of Law's D. Craig Lewis Trial Expo, Fall 2011, 2012 and 2013

Served as a judge during the College of Law's Boise Trial Team's practice rounds, Fall 2015 and 2016

Served as a moderator/reactor at a presentation on the Second Amendment sponsored by the University of Idaho Federalist Society, Fall 2011

General Service to the Idaho legal and other communities:

Member of the Idaho Supreme Court's Evidence Rules Advisory Committee, Summer 2013-present

Member of the ISC's Evidence Rules Advisory Committee's Subcommittee for Restyling the Idaho Rules of Evidence, Fall 2015- Fall 2017

Served on an Idaho State Bar advisory committee which made recommendations concerning State Bar rules pertaining to Continuing Legal Education compliance, Summer and Fall 2012

Served as a judge of the Idaho State Bar Business and Corporate Law Section's Law Student Writing Competition, March 2019 and April 2020

Served as a hearing panel member in an arbitration involving grievances lodged by a Caldwell School District educator against the Caldwell School District, December 2018

Preliminary Round Judge, National Speech & Debate High School Tournament, National Speech & Debate Association, June 18-20, 2018, Fort Lauderdale, FA

Assisted high school students at Lake City High School in Coeur d'Alene, Idaho in preparing for mock trial competition in high school's Street Law class, Fall 2011

Member of the Board of Directors of the Boise Blues Society, September 2018-present

Member of Extreme Team, a volunteer group charged with organizing fundraising events for the Interfaith Sanctuary, a non-profit organization providing shelter and support services for homeless individuals, Fall 2008-Summer 2019

Honors and Awards:

Volunteer Group of the Decade Award, awarded by the Interfaith Sanctuary Board of Directors to the Extreme Team, August 2019 (for "years of support, creativity, commitment, long hours, hard work and loyalty to our shelter")

PROFESSIONAL DEVELOPMENT:

Teaching and Scholarship:

Attended Association of American Law Schools Annual Meetings, January 2012, 2013, 2015, 2016 and 2019
Attended Education Law Association Annual Meetings, November 2011, 2012, 2013, 2014, 2015, 2016, 2017
and 2018

Attended Association of American Law Schools, Workshop for New Law School Teachers, Summer 1991 and
Summer 2011