

CURRICULUM VITAE

University of Idaho

NAME: Seamon, Richard Henry

DATE: June 1, 2020

RANK OR TITLE: Professor

DEPARTMENT: College of Law

OFFICE LOCATION AND CAMPUS ZIP: Law 207, 2321

OFFICE PHONE: 208-885-7061

FAX: 208-885-5709

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WEB: <http://www.uidaho.edu/law/faculty/richard>

DATE OF FIRST EMPLOYMENT AT UI: June 20, 2004

DATE OF TENURE: Tenured on July 1, 2006

DATE OF PRESENT RANK OR TITLE: July 1, 2006

EDUCATION BEYOND HIGH SCHOOL:

Degrees:

J.D. (Order of the Coif), Duke University, Durham, North Carolina, 1986
M.A., Johns Hopkins University, Baltimore, Maryland, 1981 (Writing Seminars)
B.A. (Phi Beta Kappa), Johns Hopkins University, 1980 (Writing Seminars)

Certificates and Licenses:

Bar admission, District of Columbia, 1989 (active status)
Bar admission, Maryland, 1986 (inactive status)
Also admitted to practice before U.S. Supreme Court, U.S. Court of Appeals for the Fourth Circuit,
U.S. Court of Appeals for the District of Columbia Circuit, and U.S. Court of Federal Claims

EXPERIENCE:

Teaching, Extension and Research Appointments:

Margaret Schimke Distinguished Professor of Law, since July 2017
Professor of Law, since July 1, 2006
Associate Dean for Faculty Affairs, July 2014 – July 2016
Interim Associate Dean for Faculty Affairs, July 2013 – June 2014
Associate Dean for Administration and Students, July 1, 2006 – June 30, 2009
Associate Professor of Law, University of Idaho, 2004-06
Visiting Professor, Department of Political Science and History, South Carolina State University, fall semester 2003
Professor of Law, University of South Carolina, Columbia, South Carolina, 2004
Associate Professor of Law (with tenure), University of South Carolina, 2001-04
Assistant Professor of Law, University of South Carolina, 1996-2001
Visiting Associate Professor, Washington & Lee Law School, Lexington, Virginia, 2001-02

Non-Academic Employment including Armed Forces:

Assistant to Solicitor General of United States, U.S. Department of Justice, Washington, D.C., 1990-96
Associate, Covington & Burling (law firm), Washington, D.C., 1987-90

Law Clerk to Kenneth W. Starr, U.S. Court of Appeals for the District of Columbia Circuit, 1986-87
 Summer Associate, Arnold & Porter (law firm), Washington, D.C., 1986
 Summer Associate, Covington & Burling, 1985
 High School Teacher, Calvert Hall College High School, Baltimore, Maryland, 1981-83

Consulting:

Utah Attorney General's Office, advised on litigation about national monuments in the State
 San Juan County, Utah, helped county in dispute with federal government over public lands, 2016-2017
 Jasper County, South Carolina, helped county defend proposed eminent domain proceeding, 2003
 South Carolina Judicial Council, prepared report on reform of statutes governing judicial review of administrative agency action, 2000
 South Carolina Office of Attorney General, assisted state defend legal challenge to state law banning video poker, 2000
 South Carolina Office of Attorney General, assisted briefing of U.S. Supreme Court case in which state was a party, 1999
 Office of General Counsel, University of South Carolina, advised university about statutes and regulations governing relationship between university and South Carolina Council on Higher Education, 1999
 South Carolina Bar Foundation, wrote opinion letter about impact of U.S. Supreme Court decision on Bar Foundation's administration of legal aid program, 1998

TEACHING ACCOMPLISHMENTS:

Areas of Specialization:

Administrative law, appellate advocacy, civil procedure, constitutional law, criminal procedure, federal courts, U.S. Supreme Court practice

Courses Taught:

University of Idaho:

Administrative Law, LAW 907, every fall semester from 2004 through 2011 and fall semesters 2013-2018; spring 2011; spring 2012; spring 2020; and summer 2020
 Agriculture Law, LAW 901, fall 2019
 Conflicts of Law, LAW 960, fall semester 2014 & spring 2018
 Constitutional Law I, LAW 816, each fall semester from 2009-2012; plus spring semesters 2012 through 2020
 Constitutional Law II, LAW 905, fall 2016, summer 2017, and fall 2017-2020
 Federal Courts, Spring 2012
 Introduction to Law and Procedure, LAW 805, fall 2004, fall 2005, fall 2009, fall 2010
 Lawyering Process, LAW 971, spring 2005 and spring 2006
 Procedure II, LAW 806, each spring semester from 2005 through 2011 and spring 2017

University of South Carolina:

Administrative Law, Laws 709, spring semester 1997, fall semesters in 2000, 2002-03
 Civil Procedure, Laws 546, spring semesters 1998-2001, 2004
 Constitutional Law, Laws 525, fall semesters 1997-2000, 2003-04
 Criminal Procedure, Laws 547, spring semesters 1998-2001, 2003-04
 Supreme Court Practice Seminar, Laws 818, fall 2003
 Supervised Legal Research I, Laws 570, fall 1996-spring 2004

South Carolina State University:

Constitutional Law, PS-308, fall 2003

Washington & Lee University:
Civil Procedure, Laws 546, academic year 2001-02
Supreme Court Practice Seminar, Laws 417, fall 2001

Students Advised:

Through the 2015-2016 academic year, the Idaho College of Law assigned each faculty member 5-6 students from each year's entering class. A similar advising program resumed in 2018.

I have also served as a (or the) faculty advisor for many student organizations, including the *Idaho Law Review*, the Latino Law Caucus, Phi Alpha Delta, the Board of Student Advocates, the Federalist Society, and the Agricultural Law Society.

The University of South Carolina School of Law had a semi-formal system for advising individual students starting in the fall semester of 2002, in which I participated during the school years 2002-03 and 2003-04. I also served as faculty advisor to the following students groups while a law professor at the University of South Carolina: Black Law Students Association, The Forum (student newsletter), Moot Court Bar, and the Public Interest Law Society.

Honors and Awards:

Peter E. Heiser Award ("teacher of the year"-type award; annually elected by the graduating class), University of Idaho College of Law, 2005, 2008, 2009, 2010, 2011, 2012, 2013, 2015, 2017, 2018
Outstanding Faculty Member Award ("teacher of the year"-type award; annually elected by entire law student body), University of South Carolina School of Law, 1998, 1999, 2000, 2001, 2003, and 2004

University of Idaho Alumni Association Award of Excellence, 2007-2008, 2009-2010, 2011-2012, 2012-2013, 2016-2017, and 2017-2018

Allan G. Shepard Professor, 2006-2007

First Year Teacher of the Year (elected by first-year law students), Washington & Lee Law School, 2001-02

Faculty Scholarship Award, University of South Carolina School of Law, 1998-99, 2003-04

SCHOLARSHIP ACCOMPLISHMENTS:

Publications, Exhibitions, Performances, Recitals:

Books:

ADMINISTRATIVE LAW: A CONTEXT AND PRACTICE CASEBOOK (Carolina Academic Press, 2nd ed. 2020), lvii, 858 pages.

ADMINISTRATIVE LAW: EXAMPLES AND EXPLANATIONS (Wolters Kluwer 6th ed. 2020) (with William F. Funk), xix, 390 pages; (4th ed. 2012), xviii, 416 pages.

AMERICAN CONFLICTS LAW: CASES AND MATERIALS (Carolina Academic Press, 7th ed. 2020) (with Robert L. Felix, Ralph U. Whitten, and Jesse M. Cross), xlv, 1079 pages.

STRATEGIES AND TECHNIQUES FOR TEACHING ADMINISTRATIVE LAW (Aspen Publishers 2013), 52 pages.

SUPREME COURT SOURCEBOOK (Aspen Publishers 2013) (with Andrew Siegel, Kathryn Watts, and Joseph Thai)

Book Chapters:

“Domestic Surveillance for International Terrorists: Presidential Power and Fourth Amendment Limits,” in RUSSELL MILLER, ED., *US NATIONAL SECURITY, INTELLIGENCE AND DEMOCRACY: THE CHURCH COMMITTEE AND THE WAR ON TERROR* (2008)

“Administrative Agencies: General Concepts and Principles,” Chapter 1, pp. 1-106, in *SOUTH CAROLINA ADMINISTRATIVE PRACTICE AND PROCEDURE* (Randolph R. Lowell ed., South Carolina Bar, 2nd ed. 2008).

Law Review Articles:

“Patagonia v. Trump,” 86 *Tenn. L. Rev.* 73 (2018)

“Dismantling Monuments,” 70 *Florida L. Rev.* 553 (2018)

“Supreme Court Supremacy in a Time of Turmoil: *James v. City of Boise*,” 50 *Loyola L.A. L. Rev.* 175 (forthcoming 2017)

“Idaho Administrative Law: A Primer for Students and Practitioners,” *Idaho Law Review*, vol. 51, p. 421 (2015)

“Domestic Surveillance for International Terrorists: Presidential Power and Fourth Amendment Limits,” *Hastings Constitutional Law Quarterly*, vol. 35, pp. 449-504 (2008).

“Policy Formulation Versus Policy Implementation Under the Magnuson-Stevens Act: Insight From the North Pacific Crab Rationalization,” *Boston College Environmental Affairs Law Review*, vol. 34, pp. 239-272 (2007) (with S. Matulich, M. Roth, and R. Eppink)

“An *Erie* Obstacle to State Tort Reform,” *Idaho Law Review*, vol. 43, pp. 37-126 (expected publication March 2007).

“Lightening and Enlightening Exam Conferences,” *Journal of Legal Education*, vol. 56, pp. 122-139 (March 2006).

“U.S. Torture as a Tort,” *Rutgers Law Journal*, vol. 37, pp. 715-806 (Spring 2006).

“The Patriot Act and the Wall Between Foreign Intelligence and Criminal Law Enforcement,” *Harvard Journal of Law & Public Policy*, vol. 28, pp. 319-463 (2005).

“Slaying the Dying Dragon of State Sovereignty,” *University of Pittsburgh Law Review*, vol. 66, pp. 321-355 (2005) (book review of *NARROWING THE NATION’S POWER: THE SUPREME COURT SIDES WITH THE STATES*, by John T. Noonan, Jr. The University of California Press, 2002) (approx. 35 printed pages).

“The Provenance of the Federal Courts Improvement Act of 1982,” *George Washington Law Review*, vol. 71, pp. 543-598 (September/October 2003).

“Joint Teaching with a Colleague, for Just a Week or Two,” *Journal of Legal Education*, vol. 52, pp. 258-271 (with Steve Spitz) (March/June 2002).

“A Brief Comment on the Current Eleventh Amendment Jurisprudence of the Supreme Court,” *Georgetown Journal of Law & Public Policy*, vol. 1, pp. 9-12 (Fall 2002).

“*Kyllo v. United States* and the Partial Ascendance of Justice Scalia’s Fourth Amendment,” *Washington University Law Quarterly*, vol. 79, pp. 1013-1033 (2001), adapted for republication

in Search and Seizure Law Report, vol. 29, No. 8, p. 57 (John Burkoff ed., Thomson-West, September 2002).

“The Asymmetry of State Sovereign Immunity,” *Washington Law Review*, vol. 76, pp. 1067-1151 (Oct. 2001), reprinted in *2002 Zoning and Planning Law Handbook*, p. 203 (Patricia Salkin ed., West Group).

“An Analysis of Jurisdictional Issues Arising From *Eastern Enterprises v. Apfel*,” *Alabama Law Review*, vol. 51, pp. 1239-1259 (Spring 2000).

“The Missing Pieces of the Debate Over Federal Property Rights Legislation,” *Hastings Constitutional Law Quarterly*, vol. 27, pp. 1-87 (with Max Kidalov) (Fall 1999).

“Preparing for Oral Argument in the United States Supreme Court,” *South Carolina Law Review*, vol. 50, pp. 603-615 (Spring 1999).

“The Sovereign Immunity of States in Their Own Courts,” *Brandeis Law Journal*, vol. 37, pp. 319-414 (Spring 1998-99).

“Damages for Unconstitutional Affirmative Action: An Analysis of the Monetary Claims in *Hopwood v. Texas*,” *Temple Law Review*, vol. 71, pp. 839-886 (Winter 1998).

“Separation of Powers and the Separate Treatment of Contract Claims Against the Federal Government for Specific Performance,” *Villanova Law Review*, vol. 43, pp. 155-218 (1998).

“‘Not Now’ Does Not Necessarily Mean ‘Not Ever’: The Supreme Court’s Refusal in *Bennis v. Michigan* to Abandon the Guilty Property Fiction of Forfeiture Law,” *South Carolina Law Rev.*, vol. 48, pp. 389-403 (1997).

“Causation and the Discretionary Function Exception to the Federal Tort Claims Act,” *University of California at Davis Law Review*, vol. 30, pp. 691-784 (1997).

Other Publications:

Petition for a writ of certiorari and reply brief in *Miner v. Picatti* (pet. filed Jan. 2020)

Petition for a writ of certiorari and reply brief in *Marquardt v. Fletcher* (pet. filed July 2019)

Petition for a writ of certiorari and reply brief in *Eason Land Co., LLC v. Zinke* (pet. filed Oct. 2017)

Petition for a writ of certiorari and reply brief in *James v. City of Boise*, 136 S.Ct. 685 (2016)

Petition for writ of certiorari and reply brief in *Downs v. Orden* (No. 15-655, filed Nov. 2015)

Article: “The U.S. Supreme Court Sidetracks Idaho Implied Consent Law,” (*Idaho Advocate*, p. 54 (January 2014)

Brief in Opposition to Petition for writ of certiorari in *Hoagland v. Ada County* (U.S. Supreme Court, filed Dec. 23, 2013), *cert. denied*, 134 S. Ct. 1024 (2014)

Petition for a writ of certiorari in *Behenna v. United States* (U.S. Supreme Court, filed Jan. 2, 2013) (with co-counsel Jeffrey Fisher, Joseph Thai, and Donald Rehkopf, Jr.)

Article: “Achieving Regulatory Reform by Encouraging Consensus,” (*Idaho Advocate*, p. 27 (February 2013) (with Joan Callahan)

Article: "A Fresh Look at Punitive Damages," (Idaho) *Advocate*, p. 36 (Sept. 2010).

Article: "Tort Reform," *IQ Idaho*, volume 5, issue 6, pp. 33-35 (July 2007).

Brief: amicus curiae on writ of certiorari in *United Haulers Association, Inc. v. Oneida-Herkimer Solid Waste Management Authority* (U.S. Supreme Court, argued Jan. 8, 2007), for State and Local Legal Center, Washington, D.C. (filed Dec. 7, 2006) (dormant Commerce Clause).

Article: "Does the Six-Year Statute of limitations for Contract Claims by the Federal Government Apply to Administrative Proceedings?," *Preview*, vol. 34, no. 1, pp. 4-9 (American Bar Association, Division for Public Education, Oct. 3, 2006).

Letter to the Editor: "Law and Law," *Journal of Legal Education*, vol. 55, pp. 624-625 (December 2005)

Article: "Seamon's Picks: A review of U.S. Supreme Court decisions from the latest Term," *South Carolina Lawyer*, pp. 31-35, September 2003.

Article: "Federalism Cases in the Most Recent and Upcoming Terms of the U.S. Supreme Court," published in *Regional Resource*, an occasional newsletter of the Council of State Governments, Southern Legislative Conference (October 2002).

Article: "New Technology brings up old question: The Fourth Amendment and the issue of search [in *Kyllo v. United States*]," *South Carolina Lawyer*, pp. 23-25, November/December 2001.

Article: "Before the Court: Major Cases to Be Decided by the U.S. Supreme Court in the October 2000 Term," *South Carolina Lawyer*, pp. 45-47, January/February 2001.

Report: "Report to the [South Carolina] Judicial Council on Proposed Changes to the Administrative Law Judge Division's Jurisdiction, Authority to Render Final Agency Decisions, and the Structure of Judicial Review" (with James Flanagan) (November 2000).

Article: "Race and Redistricting," in *The Advocate*, published by Black Law Students Association, University of South Carolina Chapter, 2000-01.

Brief: amicus brief on writ of certiorari in *Alden v. Maine*, 527 U.S. 476 (1999) (state sovereign immunity), for State and Local Legal Center, Washington, D.C., February 12, 1999.

Brief: brief in opposition to petition for a writ of certiorari in *Westside Quik Shop, Inc. v. Stewart, cert. denied*, 531 U.S. 1029 (2000) (Just Compensation).

Academic Editorial/Reviewer Projects:

Member of Editorial Board for the book *APPELLATE PRACTICE IN SOUTH CAROLINA* (South Carolina Bar, 1999), by Jean Hofer Toal, Shanin Vafai, and Robert Muckenfuss.

Reviewer for Chapters 400-409, "U.S. Supreme Court Jurisdiction and Practice," in the legal treatise *MOORE'S FEDERAL PRACTICE* (3rd edition, Matthew-Bender Co. 1997).

Presentation of Papers to Academic Organizations:

"The Provenance of the Federal Courts Improvement Act of 1982," 15th Judicial Conference of the United States Court of Federal Claims, Washington, D.C., October 3, 2002.

"The Asymmetry of State Sovereign Immunity," Annual Conference of Environmental Policy Project, Georgetown Univ. Law School, San Francisco, California, November 10, 2000.

“An Analysis of the Jurisdictional Analysis in *Eastern Enterprises v. Apfel*,” 12th Judicial Conference of the United States Court of Federal Claims, Washington, D.C., April 30, 1999.

“The Tenth-and-a-Half Amendment,” Young Scholars Workshop, Southeastern Conference of Association of American Law Schools, Marco Island, Florida, July 25, 1998.

Other Academic Presentations:

“Designing and Teaching Courses on the U.S. Supreme Court: Strategies and Objectives for Different Audiences,” Roundtable Discussion, Law & Society Ass’n, Annual Meeting, June 5, 2011, San Francisco, California

“Civil Remedies for Torture and Extraordinary Rendition,” Cardozo Law School Panel Discussion, New York City (Feb. 7, 2011).

“The New Surveillance Law,” University of Idaho Interdisciplinary Colloquium Series, Moscow, Idaho, September 11, 2007.

“The Market for Trash,” a presentation on U.S. Supreme Court case *United Haulers v. Oneida-Herkimer Waste Management Authority* (2006) to UI core discovery class “Riddles and Paradoxes” (Professor Steven Peterson), Moscow, Idaho, September 6, 2007.

“Supreme Court and Legislative Update,” Annual Meeting of the Southeastern Conference of the Association of American Law Schools, Kiawah Island, South Carolina, July 28, 2002.

“The Rehnquist Court’s Eleventh Amendment Jurisprudence: Constitutional Fidelity or Judicial Overreach?,” Participant in Panel Discussion, Fourth Annual Conference of Federalist Society, Faculty Division, New Orleans, Louisiana, January 3, 2002

“U.S. Supreme Court Update,” Annual State Judicial Conference, Columbia, South Carolina, August 17, 2000

“Due Process and the Right to Discovery in Administrative Adjudications,” Annual Southern States Administrative Law Judges Conference, Charleston, South Carolina, March 17, 2000

Other Professional Presentations:

“Power-Hungry Bureaucrats: And the Judges Who Feed Them,” Presentation for the Annual Meeting of the Board of Directors of the Mountain States Legal Foundation, Denver, CO (Oct. 4, 2019)

“Justice Neil Gorsuch: Two Years on the Court,” Presentation for 2018 Idaho State Bar Annual Meeting, Sun Valley, Idaho (July 2018)

“The U.S. Supreme Court in an Era of Divisiveness, and How It Affects Idaho Lawyers,” Presentation for Bench-Bar Conference of U.S. District of Idaho, Coeur d’Alene, ID (Sept. 15, 2017)

“Four Supreme Court Decisions that Water Lawyers Should Know About,” Panel Presentation for Bench-Bar Conference of U.S. District of Idaho and U.S. Eastern District of Washington, Spokane, WA (Sept. 18, 2015)

“Science in Litigation: Admission of Evidence and Working with Experts,” Panel Presentation for Idaho State Bar, Environmental Law Section (Boise, ID, Jan. 15, 2015);

“Top Ten U.S. Supreme Court Cases from the Prior and Current Term,” Presentation for Idaho State Bar, Appellate Practice Section (Oct. 9, 2015; Boise, ID);

- “The State of the Federal Judiciary,” Presentation at annual meeting of Idaho Trial Lawyers Association (Oct. 9, 2015; McCall, ID)
- “*Bellingham* Revisited,” Panel Discussion, 2014 Bench-Bar Conference of United States District Court for the District of Idaho, September 26 (Fort Hall, ID) and October 3 (Boise, ID), 2014
- “U.S. Supreme Court Update,” Presentation to the Summer Meeting of the Idaho Prosecuting Attorneys Association, Boise, ID, August 14, 2014
- “Do we have a living Constitution, a dead Constitution, or a zombie Constitution?”, Continuing Legal Education Program, Annual Meeting of Idaho State Bar, Pocatello (Fort Hall), Idaho, July 17, 2014
- “The Patient Protection and Affordable Care Act: Resolved and Unresolved Legal Challenges,” Continuing Legal Education Program, Annual Meeting of Idaho State Bar, Coeur d’Alene, Idaho, July 18, 2013.
- (Invited) participant in panel discussion entitled “Serving the Needs of Law Students and Bar Applicants,” at Regional Meeting of American Bar Association Committee on Lawyer Assistance Programs, Boise, Idaho, July 12, 2013.
- “Two Models of Judicial Decision Making,” McNichols Inn of Court, Moscow, Idaho, March 14, 2013.
- “Two Models of Judicial Decision Making,” Idaho District Judges Conference, Boise, Idaho (Jan. 23, 2013)
- “The Deepwater Horizon Disaster and Its Connection to Idaho,” Continuing Legal Education Presentation, 6th Circuit Bar, Moscow Idaho, (Nov. 10, 2010)
- “A Fresh Look at Punitive Damages,” 2010 Idaho Trial Lawyers Association Annual Conference, Sun Valley, Idaho (June 19, 2010)
- “Constitution and Supreme Court Review,” 2009 U.S. Courts Conference, October 30, 2009 (Moscow Idaho)
- “The Shadow Sixth Amendment: Effective Assistance of Counsel in Sexually Violent Predator Proceedings,” South Carolina Public Defenders Conference, Charleston, South Carolina, September. 29, 2003.
- “History of the Federal Judicial System,” National Advocacy Center, U.S. Department of Justice, Program entitled “Introduction to the Federal Judicial System Seminar,” Columbia, South Carolina, December 15 and April 22, 2003.
- “Update on U.S. Supreme Court Decisions from the October 2002 Term,” South Carolina Court of Appeals, Continuing Legal Education Program, Columbia, South Carolina, July 18, 2003.
- “New Federal Rules of Evidence,” Continuing Legal Education Program, Columbia, South Carolina, March 30, 2001.
- “Effective Oral Appellate Advocacy,” Inns of Court, S.C. Chapter, Columbia, South Carolina, January 16, 2001.
- Testimony on S.C. Bill to Regulate Pornography on the Internet, S.C. Senate Judiciary Comm., Subcomm. on Constitutional Law, Columbia, South Carolina, March 1, 2000.

“Professionalism in Criminal Law,” Panel Discussion, Continuing Legal Education Program, S.C. Bar, Columbia, South Carolina, December 2, 1999.

“Federalism Cases of the Last Term,” talk for the Advisory Board, State and Local Legal Center, Washington, D.C., October 5, 1999.

“Prosecution by Snitch: The Ethical Considerations of Making Deals for Testimony,” Continuing Legal Education Program, S.C. Bar, Columbia, South Carolina, December 5, 1998.

“The Current Status of Affirmative Action,” Continuing Legal Education Program, Columbia Lawyers Association, Columbia, South Carolina, December 13, 1997.

“Random Drug-Testing of Public-School Students: A Checklist,” presented at program entitled “Creating Safe and Drug-Free Schools: Turning Research into Action,” U.S. Department of Education, Crystal City, Virginia, June 17, 1997.

Faculty Colloquia:

“New Voices in Administrative Law,” participated as “Senior Administrative Law Reviewer,” Annual Meeting of Association of American Law Schools, Jan. 3, 2017

“New Voices in Administrative Law,” participated as “Senior Administrative Law Reviewer,” Annual Meeting of Association of American Law Schools, Jan. 3, 2014

“The University of Michigan Affirmative Action Decisions: Some Initial Reactions,” University of South Carolina School of Law Faculty Colloquium,” June 26, 2003.

“Lessons from the AALS Conference for Experienced Law Teachers,” University of South Carolina School of Law Faculty Colloquium, Fall 1997.

SERVICE:

Committee Assignments:

State:

South Carolina Judicial Council, 2000-04

University of Idaho:

Administrative Hearing Board, University of Idaho, 2005 through 2011

Admissions and Financial Aid Committee, College of Law, 2005-06, 2006-07 (Chair)

Career Development, College of Law, 2006-07

College of Law Dean Search Committee, University of Idaho, 2014

Committee on Committees, 2019-2020

Curriculum Committee, College of Law, 2004-05, 2009-2011 (co-chair)

Diversity Committee, College of Law, 2004-2005, 2005-06, 2006-07 (Chair)

Faculty Affairs Committee, 2019-2020, 2020-2021 (chair)

Faculty Appeals Hearing Board, University of Idaho, 2011-2016

Faculty Appointments Committee, College of Law, 2005-06, 2006-07, 2014-2015

Faculty Senate, 2017-2018, 2018-2019

Honor Court, College of Law, 2019-2020

Self-Study Committee, College of Law, 2010-2011 (co-chair)

Student Engagement and Climate Issues Committee, College of Law, 2005-06 (Chair), 2006-07

Tenure and Promotion Committee, College of Law, 2015-2016, 2016-2017, 2017-2018, 2019-2020

University Safety and Loss Control Committee, 2016-2017, 2017-2018 (chair)

University of South Carolina:

University Faculty Senate, 1998-2000
 Law School Dean Search Committee, 2003-04
 Law School Executive Committee, 2002-03
 Law School Minority Affairs Committee, 2000-01
 Law School Faculty Selection Committee, 1998-2000
 Law School Student-Faculty Task Force, spring semester 1997 through spring semester 2001,
 school year 2002-03, and spring semester 2004
 Law School Library Committee, 1996-97

Professional and Scholarly Organizations:

American Law Institute
 American Bar Association
 Phi Beta Kappa, Alpha Chapter of Idaho

Law Reform:

Presented testimony and provided consultation on proposed amendments to the Idaho Administrative Procedure Act (intermittent)
 Presented oral and written testimony, on invitation, to the U.S. House of Representatives Permanent Select Committee on Intelligence, Hearing on Renewal of USA PATRIOT Act (May 19, 2005).
 Presented written views, on invitation, to the U.S. Senate Select Committee on Intelligence, regarding renewal of USA Patriot Act (May 23, 2005).
 Presented written views to the U.S House of Representatives Judiciary Committee, Subcommittee on Courts, the Internet, and Intellectual Property, on proposed legislation amending jurisdiction of the United States Court of Appeals for the Federal Circuit (May 2, 2005).

Outreach Service:

Opinion/Editorials:

“Guest Opinion: High court may soon consider gay marriage bans,” Idaho Statesman, May 20, 2014
 “Court should reject arguments that put anyone above the law,” Idaho Statesman, Dec. 3, 2007;
 “Tribunal showcases erosion of justice,” (Spokane, WA) Spokesman-Review, Mar. 20, 2007;
 “Measures to Protect National Security May Actually Threaten It,” The Idaho Statesman, October 11, 2006.
 “U.S. Torture as a Tort? Expanding Remedies for Victims,” JURIST Legal News & Research, Mar. 24, 2006
 “Senators Should Not Ask Specific Questions,” The Idaho Statesman, September 15, 2005
 “An Unripe Remedy: In Helping Landowners Pursue State Takings Claims in Federal Court, Congress Has Not Properly Invoked the Constitutional Authority It Needs,” The Legal Times, May 29, 2000 (with Max Kidalov)

Interview Articles (since 2010):

“Three Effects of Legalizing Gay Marriage in Idaho (Besides Gay Marriage), by Jessica Robinson, Northwest Public Radio Interview, Oct. 14, 2014
 “Gay Marriage: Appeals court will rule on constitutionality lawsuit in coming months,” Samantha Malott, Moscow-Pullman *Daily News*, Aug. 4, 2014
 “Idaho wants license-plate profiling claim tossed, citing immunity,” (Spokane, WA) Spokesman-Review, Betsy Z. Russell, Apr. 24, 2014
 “Boise couples sue to overturn ban on same-sex marriage,” Dan Popkey, Idaho Statesman, Nov. 8, 2013

- “Government shutdown: Do national parks really need to be barricaded?” Patrik Jonnson, Oct. 3, 2013
- “Undue Process,” Roland Beres, Fox9, Boise, Idaho (July 1, 2013) (television interview)
- “Historic ruling? Not so in Idaho,” David Cole, CDAPress.com (Coeur d’Alene, Idaho) (June 27, 2013)
- “Idaho ban on gay marriage stands after Supreme Court decisions,” Dan Popkey, Idaho Politics blog, Idaho Statesman (June 26, 2013)
- “The Five NSA Slides,” Kyla Garvey, National Post (Canada) (June 14, 2013)
- ProPublica Storify Series on NSA Surveillance, Kara Brandeisky (June 12, 2013)
- “The Fourth Amendment’s Strange Bedfellows,” Jacob Gershman, Wall Street Journal Law Blog (June 3, 2013)
- “State lawmakers push to take over millions of federal acres,” Arizona Republic (Mar. 26, 2012)
- “City of Twin Falls struggles to define the 'obscene',” Nick Coltrain, (Twin Falls, Idaho) Times-News, Dec. 6, 2010
- “Know it when I see it' common response for defining murky term,” Nick Coltrain, (Twin Falls, Idaho) Times-News, Dec. 5, 2010
- “Idaho's health care lawsuit won't be cheap: Gov. Butch Otter said the challenge lodged by 13 states is intended to 'stop this insanity,’” Brian Murphy, Idaho Statesman, Mar. 24, 2010

Workshops and Public Presentations:

- Amending the U.S. Constitution, Presentation to Moscow, ID, chapter of League of Women Voters (Nov. 18, 2015)
- Participant in Panel Discussion, “Legal Justice versus Social Justice,” Co-Sponsored by University of Idaho College of Law’s Latino Law Caucus and *the crit* (online journal of University of Idaho College of Law), Moscow, Idaho (Feb. 25, 2013)
- Moderated panel discussion, “The Bill of Rights and State Constitutions: The Interplay between State and Federal Approaches to Constitutional Rights and Responsibilities,” Washington State University Business and Law Ethics Fourth Annual Symposium (Symposium Title: Business and the Bill of Rights: Celebrating 220 Years After Ratification,” Pullman, Washington, Nov. 5, 2011
- Moderated panel discussion, “Does the Bill of Rights Protect States, Too? The Nullification Controversy and the Ninth and Tenth Amendments,” University of Idaho, Moscow (Sept. 13, 2011) (part of Bellwood Lecture Series events)
- Participated in panel discussion, “Reckoning with Torture,” Moscow, Idaho (October 25, 2011) (sponsored by American Civil Liberties Union, Idaho Chapter)
- Constitution Day Panel Discussion, “Regulation of Violent Video Games,” University of Idaho, Moscow, Idaho (Sept. 17, 2010).
- Citizens Law Academy, “Introduction to the Legal System,” Moscow, Idaho (Sept. 10, 2009).
- Presented U.S. Supreme Court Update at 2009 U.S. Courts District Conference, Moscow, Idaho, October 30, 2009.
- Presented U.S. Supreme Court Update to Presentation for the American Inn of Court No. 130, Boise, Idaho, September 16, 2009.
- Participated in panel discussion sponsored by UI College of Law Black Law Students Association for undergraduates on Law School Admissions, September 28, 2009, Moscow Idaho
- Presented “Introduction to the Legal System” to Citizens Law Academy, September 10, 2009, Moscow, Idaho (with John Judge)
- Participated in panel discussion of Judge John Roberts’ Nomination to U.S. Supreme Court, University of Idaho Bureau of Public Affairs, Moscow, Idaho, September 8, 2005.
- Lectured on “The Next Battles in the War Over Affirmative Action,” for the Black History Month Program of South Carolina State University, Department of History and Political Science, Orangeburg, South Carolina, February 25, 2004.
- Lectured at South Carolina State University, Orangeburg, South Carolina, on “A Lawyer Looks at the Latest Affirmative Action Cases in the U.S. Supreme Court,” for Black History Month Program of Department of Political Science and History, September 27, 2003.
- Taught lesson on the U.S. Constitution to 5th graders at Satchel Ford Elementary School,

Columbia, South Carolina, September 12, 2003.

“”Participated on interview panel for “Stateline” television broadcast by South Carolina Educational TV on recent U.S. Supreme Court decisions about affirmative action, June 26, 2003.

Co-conducted workshop sponsored by South Carolina State University Chapter of Phi Alpha Delta fraternity on how to write effective personal statements for law school applications, Orangeburg, South Carolina, April 8, 2003.

Gave a talk entitled “Federalism Cases in the Most Recent and Upcoming Terms of the U.S. Supreme Court,” Annual Meeting of the Intergovernmental Affairs Committee of the Council of State Governments, Southern Legislative Conference, New Orleans, Louisiana, August 5, 2002.

“”Led a class entitled “[Bush v. Gore:] A Crisis of Constitutional Proportions?” Alumni University, Carolina Alumni Association, Columbia, South Carolina, June 22, 2001.

“”Participated in panel discussion entitled “The State of King’s Dream in 2001: Does Your Vote Really Count?” for Martin Luther King, Jr., Day Program, University of South Carolina School of Law, Columbia, South Carolina, January 15, 2001.

Gave talk on the U.S. court system to Institute on Politics and Public Policy of the Greater Columbia Chamber of Commerce, Columbia, South Carolina, November 8, 1999.

Gave talk on legal careers to students at Benedict College, Columbia, South Carolina, October 22, 1998.

Gave talk on “Academic Preparation for Careers in Law and the Legal Profession,” for the Benjamin E. Mays Academy for Leadership Development, University of South Carolina, College of Education, November 15, 1997.

PROFESSIONAL DEVELOPMENT:

Teaching:

Attended “Workshop on Innovative Teaching Methods and Materials,” held May 18-20, 2009, at Washburn University Law School, Topeka, Kansas.

Attended Conference entitled “Legal Education at the Crossroads,” held Sept. 5-7, 2008, at the University of Washington Law School, Seattle.

Made presentation on curriculum reform at the University of Idaho College of Law at a conference entitled “International Conference on the Future of Legal Education, held Feb. 20-23, 2008, at the Georgia State University Law School, Atlanta.

Attended workshop entitled “Fresh Looks at Teaching and Learning Law,” 6th Annual conference of the Institute for Law School Teaching, Gonzaga University, Spokane, Washington, June 11-12, 1999.

Attended “New Ideas for Experienced Law Teachers,” conducted by Association of American Law Schools, Washington, D.C., summer 1997.

Attended “Workshop for New Law Teachers,” conducted by Association of American Law Schools, Washington, D.C., summer 1996.