

JOSHUA E. WEISHART

West Virginia University College of Law
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ACADEMIC APPOINTMENTS

West Virginia University College of Law
Professor of Law (2020–Present)

College of Law and John D. Rockefeller IV School of Policy and Politics
West Virginia University
Professor of Law and Policy (2019–2020)
Associate Professor of Law and Policy (2016–2019)

West Virginia University College of Law
Visiting Associate Professor (2014–2016)
Visiting Assistant Professor (2012–2014)

EDUCATION

University of California, Berkeley School of Law
J.D., 2006

University of Cambridge, Robinson College
M.Phil., Philosophy, 2003
Dissertation Advisors: Serena Olsaretti and Hallvard Lillehammer

West Virginia University
B.A., *summa cum laude*, Political Science & Philosophy, 2001

PROFESSIONAL EXPERIENCE

Hon. Robert B. King, U.S. Court of Appeals for the Fourth Circuit
Law Clerk, Charleston, WV (2011–2012)

Severson & Werson, P.C.
Associate, Financial Service Group, San Francisco, CA (Sept. 2006–July 2011)

Hon. Claudia Wilken, U.S. District Court, Northern District of California
Extern, Oakland, CA, (Aug–Dec. 2005)

U.S. Postal Service Law Department
Law Clerk, Employment & Labor Law, San Francisco, CA (May–Aug. 2005)

Coro Fellowship in Public Affairs
Fellow, H. John Heinz School of Public Policy, Pittsburgh, PA (2001–2002)

U.S. Department of Justice
Intern, Office of Legal Policy, Washington, D.C. (June–July 2001)

ACLU of West Virginia
Intern, Charleston, WV (June–Aug. 2000)

SCHOLARSHIP

Journal Articles

Democratizing Education Rights, 29 William & Mary Bill of Rights Journal ____ (2020)

Equal Liberty in Proportion, 59 William & Mary Law Review 215 (2017) [↗](#)

Reconstituting the Right to Education, 67 Alabama Law Review 915 (2016) [↗](#)

Transcending Equality Versus Adequacy, 66 Stanford Law Review 477 (2014) [↗](#)

Online Journal Articles & Book Review

Book Review *Flunking Democracy: Schools, Courts, and Civic Participation*, 126 American Journal of Education 329 (2020)

The Compromised Right to Education?, 71 Stanford Law Review Online 123 (2018) [↗](#)

Justice Scalia's Terribly Few Words on Education Rights, Oxford Human Rights HUB Journal (2016) [↗](#)

Book Chapters & Invited Symposium Essays

The Constitutionally Anomalous Right to Education, in Oxford Handbook of U.S. Education Law (Kristi Bowman, ed., Oxford University Press, forthcoming 2020) [↗](#)

Rethinking Constitutionality in Education Rights Cases, 71 Arkansas Law Review 491 (2019) [↗](#)

Protecting a Federal Right to Educational Equality and Adequacy in A Federal Right to Education: Fundamental Questions for Our Democracy (Kimberly Jenkins Robinson, ed., NYU Press, 2019) [↗](#)

Aligning Education Rights and Remedies, 27 Kansas Journal of Law & Public Policy 346 (2018) [↗](#)

Commentaries

Teachers across America are striking because courts are shrinking from the school funding fight, Los Angeles Times (Apr. 8, 2018), [↗](#) republished in ACSblog [↗](#)

Focusing on the 'unlawful' teacher strike is missing the point, Charleston Gazette-Mail (Mar. 2, 2018) [↗](#)

White Paper

Long Overdue: An Adequacy Cost Study for West Virginia (2019) [↗](#)

WV ED Law Blog

Stop Stonewalling Progress on Charleston's West Side (June 23, 2020) [↗](#)

"Illegal" Best Describes Punitive Anti-Strike Bill, Not Teacher Activism (June 14, 2019), [↗](#) republished in Charleston Gazette-Mail (June 19, 2019) [↗](#)

The 2019 WV Teacher Strike: Educational Equality and Liberty (Feb. 19, 2019) [↗](#)

The Real "School Choice" under SB451: Higher School Taxes or Drastic School Cuts & Consolidations (Feb. 13, 2019) [↗](#)

Charter School Bill Likely Unconstitutional (Feb. 5, 2019) [↗](#)

An Adequacy Cost Study: The First Constitutional Priority for West Virginia Public Schools (Jan. 31, 2019) [↗](#)

Charters and Vouchers Are Diversions, Follow the Money (Jan. 30, 2019) [↗](#)

After the Strike, What Now for West Virginia Teachers? (Mar. 8, 2018) [↗](#)

You say you want an injunction (Mar. 2, 2018) [↗](#)

On the Legality of the Teacher Strike (Mar. 1, 2018) [↗](#)

The Legacy of Pauley v. Kelly (Feb. 23, 2018) [↗](#)

TEACHING

Torts I: Fall 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020

Federal Courts: Spring 2019, 2020

Seminar: Schools, Race, Money, & More Fall 2018, Spring 2020

Professional Responsibility: Spring 2015, 2016, 2017, Summer 2017, Fall 2020

Consumer Law: Spring 2015

Employment Law: Spring 2016

Federal Agency/Judicial Externship Seminar: Spring 2017

Legal Reasoning, Research, and Writing: Fall 2012, 2013; Spring 2013, 2014

SERVICE

West Virginia

State Bar Task Force on Future of Law (2017–2019)

U.S. Fourth Circuit Essay Contest, WV representative (2018–19)

West Virginia University

Harry S. Truman Scholarship, Nominating Committee (2012–Present)

Graduate Council (2016–2018)

WVU Graduate Fellowship Competition, Reviewer (2017–18)

WVU Foundation Scholarships, Reviewer (2017)

Rockefeller School

MITRE/MPOWER Hackathon, Success in the Classroom II: Linking Education Spending and Performance Beyond Test Scores (2017)

College of Law

Standing Committees: Faculty Appointments (2016–17) (2019–20, Co-Chair), Career Services (2018–19, Co-Chair), Faculty Development Scholarship & Teaching (2014–Present), Promotion & Annual Review of Teaching Professors (2017–18), Academic Planning (2015–17), Diversity & Inclusion (2013–14)

Ad Hoc Committees: Dean Gregory Bowman’s Five-Year Review Committee (2020), Faculty Scholarship Prize Award Committee (2015), Assistant Dean for Student Life Search Committee (2016), Faculty Workflow Committee (2018–Present)

Faculty Advisor, West Virginia Association for Justice Student Chapter (2015–Present), *West Virginia Law Review* (2019–Present)

Academic Advisor (2014–Present)

Organizer/Moderator, *W.Va. Law Review* “Pauley at 40: Education Law Symposium” (2018–19)
First-Year Orientation (2013–14)

Coach: *American Association for Justice Student Trial Advocacy Competition* (2016), *Cyber Crime Moot Court Competition* (2016)

Judge: *National Moot Court Competition Team* (2012–13, 2016–17), *Baker Cup Competition* (2014–17), *Lugar Trial Competition* (2015–16, 2020), *Appellate Advocacy* (2015–16), *Wagner Labor & Employment Moot Court Competition* (2016), *National Health Law Moot Court Competition* (2016), *National Energy & Sustainability Moot Court Competition* (2017, 2020), *William B. Spong Tournament* (2020)

SELECTED HONORS

WV Lawyers & Leaders Class of 2019

Faculty Scholarship Award (2018) (*Equal Liberty in Proportion*)

WVU Foundation Outstanding Teaching Award (2017)

Law Professor of the Year (2016)

Harry S. Truman Scholarship (2000)

MEDIA

WVPB Legislature Today *Constitutionality of Charter Provisions in SB451* [↗](#)

The Atlantic *The Larger Concerns Behind the Teachers’ Strikes* [↗](#)

The Ripple Effect of the West Virginia Teachers’ Strike [↗](#)

The LA Times *Soaring healthcare costs drove West Virginia teachers to go on their (possibly illegal) statewide strike* [↗](#)

KCBS San Francisco *Interview re LA Times op-ed* [↗](#)

WVNews *WVU law professor is doubtful about legal challenge to omnibus education bill* [↗](#)

Oral Argument Podcast *Episode 89 Adequacy (Guest Josh Weishart)* [↗](#)

Legal Theory Blog Weishart on (1) *the Right to Education* [↗](#) (2) “*The Constitutional Compromise to Guarantee Education*” by Black [↗](#) (3) *Constitutional Right to Education* [↗](#)

Education Law Prof Blog (1) *Transcending Equality Versus Adequacy* [↗](#) (2) *Reconstituting the Right to Education* [↗](#) (3) *Reconciling Equality and Liberty Interests in Education Case* [↗](#)

WVUSports.Com *WVU Law Professor’s Views on O’Bannon Suit* [↗](#)

Public Funds Public Schools *Private School Vouchers: The Impact of Educator Activism in West Virginia and Kentucky* [↗](#)

PRESENTATIONS

Learning from the Field: Education Equity Issues on the Legal Horizon, presenter (with Katherine Dunn, Preston Green, Jessica Levin, Julie Mead), National Education Policy Center 2019 Fellows Meeting (Sept. 28, 2019)

West Virginia Public Education Reform: The Constitutional and Statutory Perspective, presenter, West Virginia School Board Association Conference '19 (Sept. 13, 2019) [↗](#)

Careers for Philosophy Majors, panelist, West Virginia University Department of Philosophy Alumni Reunion (Sept. 6, 2019)

Discussion Group: State Constitutional Law, discussant, Southeastern Association of Law Schools Annual Conference (Aug. 1, 2019)

Equality, Equity, and Adequacy in Education: Critiquing Federal and State Definitions, panelist (with Stacy Hawkins, Areto Imoukhuede, Kimberly Robinson, Kimberly West-Faulcon), Southeastern Association of Law Schools Annual Conference (July 28, 2019)

Pauley's Legacy and Recent Trends in State Education Rights Litigation, moderator (with David Sciarra, Mark Dorosin, Zoe Savitsky, Scott Bauries), West Virginia Law Review Symposium (Feb. 22, 2019) [↗](#)

The Lasting Influence of Pauley and the "Recht Decision" on WV Education Law and Policy, moderator (with Kelli Talbott, Sam Petsonk, Mary Catherine Tuckwiller), West Virginia Law Review Symposium (Feb. 21, 2019) [↗](#)

Hiding in Plain Sight: What Education Reform Needs, panelist (with Scott Bauries, Areto Imoukhuede, Twinette Johnson), Arkansas Law Review symposium (Nov. 2, 2018) [↗](#)

Symposium: What We All Can Learn from the 2018 Educator Walkouts, discussant, Harvard Law School Labor and Work Life Program and NEA (Sept. 17, 2018) [↗](#)

Teacher Strike Teach In, panelist (with Anne Lofaso, William Gorby, et al.) WVU English and Curriculum & Instruction Departments (Feb. 28, 2018)

The Legacy of Pauley v. Kelly, panelist (with Robert Bastress, Trey Kay, Bren Pomponio), West Virginia Law Review's "Appalachian Justice Symposium" (Feb. 23, 2018) [↗](#)

Public Education Policy in the 21st Century: Challenges and Opportunities, speaker, Kansas Journal of Law & Public Policy Symposium (Feb. 16, 2018) [↗](#)

A State Constitutional Right to an Integrated K-12 Education?, presenter, ACS Lunch Presentation, WVU College of Law (Sept. 27, 2017)

WVU Honors College Medallion Ceremony, keynote speaker (May 2017) [↗](#)

Outstanding Tips from Outstanding Teachers, panelist (with Lori Sherlock and Lizzie Santiago) WVU Celebrate Event (May 2017) [↗](#)

WVU College of Law Commencement, commencement speaker (May 2016) [↗](#)

Legislative Panel on West Virginia Tort Reform, moderator (with State Senators Jeff Kessler, Daniel Hall, Chris Wallace, and Delegate Tim Manchin) WVU College of Law (Nov. 2015)

New Legal Avenues for Advancing Educational Opportunity, invited panelist (with Derek Black, Osamudia James, and Kimberly Robinson) Southeastern Association of Law Schools Annual Conference (July 2015)

Nominal claim-rights: Do they exist? If so, what good are they?, WVU Department of Philosophy Coffee Hour presentation (Feb. 2015)

O'Bannon v. NCAA, panel member (with Oliver Luck) CPASS Building Dedication (Oct. 2014)

PROFESSIONAL AFFILIATIONS

Bar Admission

West Virginia (No. 12639)

California (No. 244900)

Court Admission

U.S. Court of Appeals for the Fourth and Ninth Circuits, U.S. District Court for the Northern, Eastern, Central, and Southern Districts of California

American Bar Association

Education Law Association