

JOHN E. TAYLOR
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WVU College of Law
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ACADEMIC APPOINTMENTS

West Virginia University College of Law, Morgantown, WV

Jackson Kelly Professor of Law, Summer 2015 - present
Associate Dean for Academic Affairs, Summer 2014 – Summer 2015
Professor of Law, Summer 2013 – Summer 2014
Associate Dean for Academic Affairs, Summer 2010 – Summer 2013
Professor of Law, Summer 2008 – Summer 2010
Associate Professor of Law, Fall 2002 – Summer 2008

Courses Taught: Constitutional Law I, Education Law, Seminar: Religion and the Constitution, Criminal Procedure I: Investigation, Criminal Law, Torts I, Jurisprudence, Professional Responsibility, Brazilian Law and Culture Study Abroad Program

Awards and Honors: WVU “Mountaineer Values” Coin Recipient, 2018
Professor of the Year, 2017
West Virginia Law Review Outstanding Faculty Contribution, 2007-2008
Significant Faculty Scholarship Award, 2006

University of North Carolina School of Law, Chapel Hill, NC

Visiting Professor, Fall 2009 – Spring 2010

Courses Taught: Torts

North Carolina State University, Raleigh, NC

Visiting Lecturer, Department of Philosophy and Religion, Spring 1995 – Spring 1996

Courses Taught: Ethical Theory, Contemporary Moral Problems, Business Ethics

EDUCATION

University of North Carolina School of Law, Chapel Hill, NC

J.D. with highest honors, 2001

Honors and Activities: Burton Award for Legal Achievement, 2001 (national award recognizing student article on *AT&T Corp. v. Iowa Utilities Bd.* as an exemplar of plain, clear, and effective legal style)
Order of the Coif

North Carolina Law Review
Student Judge, J. Braxton Craven Memorial Moot Court
Competition
Aycock-Poe Scholarship

Stanford University, Palo Alto, CA

Ph.D. Religious Studies, 1998

M.A. Religious Studies, 1991

Primary Field: History of Ethics
Dissertation: *Kant and Aquinas on Emotion and Virtuous Action*
Master's Thesis: *Ontology and Application in Gadamer's Hermeneutics*
Honors and Activities: Charlotte W. Newcombe Doctoral Dissertation Fellowship, 1993-94 (national award supporting research in ethics and religion)
Whiting Fellowship in the Humanities, 1993-94 (declined)
Stanford Centennial Teaching Assistant, 1991 (award recognizing outstanding teaching by graduate students)
Co-taught seminar on the ethics of Kant and Aquinas with Professor Lee H. Yearley, 1990
Teaching assistant in courses: "Christian Ethics," "Nietzsche"

University of North Carolina, Chapel Hill, NC

A.B. Political Science with Distinction, 1986

Honors and Activities: John Motley Morehead Scholar, 1982-86
Phi Beta Kappa, 1985
Co-Chairman, *Carolina Symposium 1986: Technology, Society, and the Individual*
Chairman, Residence Hall Association Programming Board, 1984-85
Vice President, Order of the Old Well, 1985 (honoring service to the University)
Order of the Grail, 1986 (honoring service to the University)

JUDICIAL CLERKSHIP

Honorable M. Blane Michael, Circuit Judge, United States Court of Appeals for the Fourth Circuit, 2001-2002

OTHER LEGAL EXPERIENCE

Brooks, Pierce, McLendon, Humphrey & Leonard, L.L.P., Raleigh & Greensboro, NC

Summer Associate, May – June 2001, June – July 2000, July – August 1999

Smith Anderson, Blount, Dorsett, Mitchell & Jernigan, L.L.P., Raleigh, NC

Summer Associate, July – August 2000, May – July 1999

Wyche, Burgess, Freeman & Parham, P.A., Greenville, SC
Summer Associate, May – June 2000

PUBLICATIONS

Religion in the Schools, chapter for THE OXFORD HANDBOOK OF U.S. EDUCATION LAW, ed. by Kristi Bowman (forthcoming 2020) (invited).

Foreword: Pauley – and the Recht Decision – at Forty, 121 W. VA. L. REV. 757 (2019).

Contributing Editor, DEREK BLACK, EDUCATION LAW: FAIRNESS, EQUALITY, AND REFORM (First ed., Aspen 2013; 2d edition, Aspen 2017) (wrote (and updated) chapter 9, “Religion in the Schools,” and the accompanying chapter of the Teacher’s Manual).

Values, Courts, and Culture War: The Case of Abstinence-Only Sex Education, 18 WILLIAM & MARY BILL OF RIGHTS J. 1053 (2010).

Tinker and Viewpoint Discrimination, 77 UMKC L. REV. 569 (2009).

Why Student Religious Speech is Speech, 110 W. VA. L. REV. 223 (2007).

Introduction to Symposium, The Religion Clauses in the 21st Century, 110 W. VA. L. REV. i (2007) (w/ William P. Marshall and Vivian E. Hamilton).

A Tribute to Steven Gey, 110 W. VA. L. REV. ____ (2007) (w/ William P. Marshall and Vivian E. Hamilton).

Using Suppression Hearing Testimony to Prove Good Faith Under United States v. Leon, 54 U. KAN. L. REV. 155 (2005).

Helping Those Who Help Themselves: The Fourth Circuit’s Treatment of Agreements to Arbitrate Statutory Employment Discrimination Claims in Brown v. ABF Freight Systems, Inc. and EEOC v. Waffle House, Inc., 79 N.C. L. REV. 239 (2000).

AT&T Corp. v. Iowa Utilities Board: The Supreme Court Recognizes Broad FCC Jurisdiction over Local Telephone Competition, 78 N.C. L. REV. 1645 (2000).

CONFERENCES ORGANIZED

“The Religion Clauses in the 21st Century,” WVU College of Law, April 12-13, 2007.

A symposium co-sponsored by the West Virginia University College of Law and the American Constitution Society for Law and Policy.

Co-organizer with William P. Marshall (UNC School of Law) and Vivian E. Hamilton (WVU College of Law, now William & Mary Law).

PRESENTATIONS AND PANELS

Speaker, Panel on Presidential Impeachments, WVU College of Law, November 20, 2019.

Introduction of Judge Jeffrey Sutton, Constitution Day, WVU College of Law, September 17, 2019.

Speaker, “The Law and Matters of Religion: an Overview of the Current State of Affairs,” LARCUM (Lutheran/Anglican/Roman Catholic/United Methodist) Conference of West Virginia on *Christianity and Civil Government*, Charleston, WV, September 9, 2019.

Master of Ceremonies, Farewell Celebration for Provost Joyce McConnell, WVU College of Law Event Center, May 13, 2019.

Judge, Law School Moot for Larry Rosenberg prior to this oral argument before the U.S. Supreme Court in *Dawson v. Steager*, WVU College of Law Lugar Courtroom, November 13, 2018.

Presenter, Constitution Day Panel: “The Right to Education,” WVU College of Law Event Center, September 17, 2018.

Speaker, Dean’s Partners Dinner, Morgantown, WV, August 17, 2018.

Presenter, Panel on “Torts Intersections,” Southeastern Association of Law Schools (SEALS) Annual Meeting, Ft. Lauderdale, FL, Aug. 9, 2018.

Moderator, Constitution Day Panel: “Freedom of the Press: Constitutionally Enshrined Guardians of Democracy,” WVU College of Law Event Center, September 18, 2018.

Speaker, Lunch and Laughs With a Legal Legend (Roast of Provost Joyce McConnell), Morgantown WV, Sept. 15, 2017.

Presenter, Panel on “Supreme Court Update: Individual Rights,” Southeastern Association of Law Schools (SEALS) Annual Meeting, Boca Raton, FL, Aug. 1, 2017.

Commencement Address, WVU College of Law Hooding Ceremony, May 12, 2017.

Principal Speaker, “Remarks on the President’s Travel Ban,” WVU Law and Muslim Student Association Potluck Dinner, March 2, 2017.

Panelist, Q&A session following screening of documentary on *Loving v. Virginia*, February 21, 2017.

Introduction of Professor Gerry Ashdown, Constitution Day, WVU College of Law, Sept. 16, 2016.

Moderator, Panel at WV Law Review Forensics Symposium, March 4, 2016.

Introduction of Professor Arnold Loewy, Federalist Society Debate, WVU College of Law, Nov. 6, 2015.

Introduction of Constitution Day Program, WVU College of Law, Sept. 17, 2014.

Convener, WVU Law Symposium on the Buffalo Creek Disaster, Feb. 26, 2014.

Speaker, Lunch and Laughs with a Legal Legend (Roast of Dean Emeritus John Fisher), Morgantown, WV, November 2, 2012.

Presenter (w/ Professor Anne Marie Lofaso, WVU Law), "Religion in the Public Schools," Teacher's Meeting of Mt. Vernon City Schools, Mt. Vernon, OH, May 25, 2011.

Panel Moderator, "Should Free Exercise of Religion Ever Be a Defense to an Otherwise Valid Criminal Law, or Did *Smith* Get It Right?", Fifth Annual Texas Tech Criminal Law Symposium, April 8, 2011.

Presenter, Panel on "The Changing Religion Clauses," Southeastern Association of Law Schools (SEALS) Annual Meeting, West Palm Beach, FL, August 2, 2010.

Presenter, "The Sound of Silence: Abstinence-Only Sex Education, Contraception, and the Establishment Clause," Midwest Family Law Consortium, Kansas City, MO, June 5, 2010.

Presenter, "Recent Developments and Future Trends in the Law of Church and State," UNC Festival of Legal Learning, February 5, 2010.

Presenter, "Family Values, Courts, and Culture War: Establishment Clause Challenges to Abstinence-Only Sex Education," UNC School of Law Faculty Speaker Series, January 28, 2010.

Presenter, "Assessing the Constitutionality of Abstinence-Only Sex Education," Symposium on Families, Fundamentalism and the First Amendment, College of William & Mary Marshall Wythe School of Law, November 6, 2009.

Introduction of Donley Lecturer, Professor Jay Wexler. WVU College of Law, February 9, 2009.

Presenter, Panel on "The Wisdom and Constitutionality of Teaching Intelligent Design in the Public Schools," Southeastern Association of Law Schools (SEALS) Annual Meeting. West Palm Beach, FL, July 27, 2008.

Presenter, “*Tinker* and Viewpoint Discrimination.” Presented work in progress at WVU College of Law as part of Faculty Workshop Series, April 2, 2008.

Commentator, Panel on “The Religion Clauses in Institutional Contexts.” Commented on paper by Professor Kristi Bowman during Symposium on *The Religion Clauses in the 21st Century*. WVU College of Law, April 12, 2007.

Introduction of Keynote Speaker Douglas Laycock, Symposium on *The Religion Clauses in the 21st Century*. WVU College of Law, April 12, 2007.

Introduction of Ihlenfeld Lecturer, President Kent Syverud. WVU College of Law, August 20, 2006.

Commentator/Facilitator on a paper by Professor Danshera Cords of Capital University Law School. Ohio Legal Scholarship Workshop. Case Western Law School, June 23, 2006.

Presenter, Panel on “The Evolving Meaning of the Religion Clauses” with Steven Gey, Michael Perry, Paul Salamanca, and William P. Marshall (moderator). Presented work in progress on “The Role of Purpose in Free Exercise Analysis.” Southeastern Association of Law Schools Annual Meeting. Palm Beach, Florida, July 17, 2006.

Presenter, “What to Expect from the Upcoming Revisions to the West Virginia Rules of Professional Conduct.” CLE Presentation to the Mountain State Bar Association. WVU College of Law, May 19, 2006.

Panelist, Constitution Day 2005. Gave overview presentation on the First Amendment’s Religion Clauses. WVU College of Law, September 19, 2005.

Presenter, “The Role of Purpose in Free Exercise Analysis.” Presented work in progress as part of WVU Faculty Brown Bag Series. WVU College of Law, November 9, 2005

Panelist, “The 10 Commandments and the Supreme Court.” Discussed Supreme Court’s then-pending decisions in *Van Orden v. Perry* and *ACLU v. McCreary County* with Seamus Hasson of the Becket Fund for Religious Liberty. WVU College of Law, April 15, 2005.

Moderator, Panel discussing the impact of *Brown v. Board of Education* on West Virginia’s educational system during Law Review Symposium celebrating the anniversary of *Brown*. WVU College of Law, March 2005.

Presenter, “Using Suppression Hearing Testimony to Prove Good Faith Under *United States v. Leon*.” Presented work in progress as part of WVU Faculty Brown Bag Series. WVU College of Law, October 20, 2004.

Presenter, “Woulda Coulda Shoulda: Can Facts Known to an Officer But Never Communicated to a Magistrate Be Used to Establish the Officer’s Good Faith Under *Leon*?” Young Scholars

Panel paper presentation. Southeastern Association of Law Schools Annual Meeting. Amelia Island, Florida, August 2003.

Media and Blog Posts

Cited in column by Hoppy Kercheval, “House of Delegates Republicans Raise Red Flag over “Red Flag” Law, WV Metro News (reprinted in various papers around the state), August 9, 2019, <http://wvmetronews.com/2019/08/09/house-of-delegates-republicans-raise-red-flag-over-red-flag-law/>.

Radio Interview with Hoppy Kercheval of WV Metro News Talkline on the constitutionality of “red flag” (gun control) laws, August 8, 2019.
<https://www.facebook.com/watch/?v=928221114178999>

Quoted in story in the Charleston Gazette-Mail, “Proposed Ordinance Regulates Picketing at Health Care Facilities,” by Rebecca Carballo, May 29, 2019,
https://www.wvgazettemail.com/news/kanawha_county/proposed-ordinance-regulates-picketing-at-health-care-facilities/article_d9969927-a6a9-5171-96cb-7d0d9d251b93.html.

Quoted in story in the Washington Post, “Kavanaugh Record Suggests He Would Favor Religious Interests in School Debates,” by Laura Meckler, July 10, 2018,
https://www.washingtonpost.com/local/education/kavanaugh-record-suggests-he-would-favor-religious-interests-in-school-debates/2018/07/10/a805323c-8475-11e8-8f6c-46cb43e3f306_story.html.

Quoted in story in The Dominion Post (Morgantown, WV newspaper), “WVU Provost Discusses Title IX Changes after Rollbacks,” October 16, 2017.

Quoted in story in the Times West Virginian, “Group Seeks to Undo Human Rights Ordinance,” Sept. 28, 2017.

Blog Post, “*Trinity Lutheran v. Comer*: Does the U.S. Supreme Court Now See Separation of Church and State as a Kind of Religious Discrimination?”, *Oxford Human Rights Hub*, July 11, 2017, <http://ohrh.law.ox.ac.uk/trinity-lutheran-v-comer-does-the-u-s-supreme-court-now-see-separation-of-church-and-state-as-a-kind-of-religious-discrimination/>.

Blog Post, “The Supreme Court, Religion, and the Future of School Choice,” *The Conversation*, July 9, 2017, <https://theconversation.com/the-supreme-court-religion-and-the-future-of-school-choice-80588>.

Quoted in story in the West Virginia Record, “SCOTUS ruling could blur line between separation of church and state,” July 6, 2017.

Radio Interview on President’s Trump’s Travel Ban for WV Public Radio; broadcast July 3, 2017.

Radio interview on Talkline with Hoppy Kercheval on the *Trinity Lutheran* case, June 29, 2017.

Radio Interview on legacy of *Edwards v. Aguillard* and teaching creationism in the public schools on “The Attitude with Arnie Arnesen,” New Hampshire public radio, June 28, 2017.

Blog Post, “30 years after *Edwards v. Aguillard*: Why Creationism Lingers in Public Schools,” *The Conversation*, June 23, 2017, <https://theconversation.com/30-years-after-edwards-v-aguillard-why-creationism-lingers-in-public-schools-79603>.

Quoted in West Virginia Record story, “WVU Legal Expert Said Mueller is “Skilled, Trustworthy” Choice for Investigation,” May 23, 2017.

Interviewed for online WVU Newscast published by Reed College of Media, segment: “Who is Neil Gorsuch?” February 16, 2017.

Quoted in Daily Athenaeum article, “Vagueness of Trump’s Immigration Ban has caused Uncertainty,” February 1, 2017.

Background Interview with report from State Journal re Fourth Amendment issues in a child porn sting operation, May 2016.

Blog Post, “Justice Scalia’s Influence on the Religion Clauses: Part II,” *Oxford Human Rights Hub*, March 31, 2016, <http://ohrh.law.ox.ac.uk/blog-scalias-influence-on-the-religion-clauses-part-ii/>.

Blog Post, “Justice Scalia’s Influence on the Religion Clauses Part I: Free Exercise,” *Oxford Human Rights Hub*, March 12, 2016, <http://ohrh.law.ox.ac.uk/justice-scalias-influence-on-the-religion-clauses-part-i-free-exercise-law/>.

Quoted in Charleston Gazette-Mail on February 7, 2016 re West Virginia’s proposed Religious Freedom Restoration Act.

Quoted in Charleston Gazette article, “W.Va. Bills the same as Indiana’s Religious Freedom Law,” April 1, 2015

Contributor, “Education Law Prof Blog,” Fall 2013

Radio Interview on Talkline with Hoppy Kercheval of WV Metro News re nomination of Elena Kagan to Supreme Court, May 11, 2010.

Taped video and radio spots promoting Symposium on the Religion Clauses in the 21st Century. Spring 2007.

“Law Works,” West Virginia Public Television Program, Panelist discussing Religion in the Public Schools, taped September 26, 2006 .

Interview with WBOY-TV, Channel 12 in Clarksburg, WV re display of portrait of Jesus in Bridgeport public schools, taped June 29, 2006.

“Law Works,” West Virginia Public Television Program, Panelist discussing the Supreme Court’s decisions on public display of the 10 Commandments, taped July 5, 2005.

SELECTED SERVICE ACTIVITIES

Associate Dean for Academic Affairs, WVU College of Law, July 1, 2014 – June 30, 2015; July 1, 2010 – June 30, 2013.

University Review Committee for Dean Gregory Bowman, Spring 2020.

Coach, Constitutional Law Moot Court Team, Spring 2020.

Co-Coach, Criminal Procedure Moot Court Team, Spring 2019.

Faculty Advisor, Federalist Society, 2018-present.

Search Committee for Assistant Dean of Students for the College of Law, Summer 2016.

Search Committee for Assistant Registrar for the College of Law, Fall 2015.

Chair of Subcommittee on Grading Policy and Report Drafter, Spring 2014.

University Review Committee for Dean Joyce McConnell, Spring 2013.

Co-Chair, Search Committee for Assistant Registrar for the College of Law, Fall 2012.

Dean’s Representative for WVU Higher Learning Commission Accreditation, Spring 2012 – Summer 2013.

Judge, Faculty Scholarship Competition, Pace Law School, 2018.

External Scholarship Reviewer, Brooklyn Law School, 2018.

Promotion Reviewer for University of South Carolina School of Law, 2018.

Promotion Reviewer for Michigan State University College of Law, 2012.

Tenure Reviewer for University of Oklahoma College of Law, 2009.

Anonymous Reviewer, Aspen Press, 2009.

American Association of Law Schools Section on Law and Religion, Program Committee, 2006.

WVU Institutional Review Board for the Protection of Human Subjects, March 2003 – December 2008.

Project Coordinator for Marketing Campaign Highlighting WVU Faculty Scholarship, May – October, 2006.

Drafted Report and Recommendations re Changes to WVU Grading Policy, Spring 2004.

WVU College of Law Committee Service:

Enrollment Management Committee, (co-chair) fall 2016-present.
Promotion and Tenure Committee, (chair) 2019-20; (member) 2018-19, 2014-16, 2008-2009.
Merit Review Committee, 2018-19, 2016-17.
Faculty Development Committee, 2017-2019.
Co-Chair, Self-Study Committee, Spring 2015
Academic Planning Committee, (chair) 2014-15, 2010-2013, 2008-2009; (member) 2015-2016, spring 2014, 2003-06.
Chair, Strategic Initiatives Group on the First-Year Curriculum, 2012-2013.
Committee to Draft Evaluation and Promotion Standards for Teaching Professors, Spring 2013.
Dean Search Committee, Fall 2007 – Spring 2008.
Strategic Planning/Self-Study, 2006-07.
Ad Hoc Committee on Faculty Evaluations, 2006.
Academic Standards, 2002-06.

BAR AND COURT ADMISSIONS

North Carolina (2002) (inactive)

United States Court of Appeals for the Fourth Circuit (2002)