

ROBERT M. BASTRESS, JR.
JOHN W. FISHER, II PROFESSOR OF LAW
WEST VIRGINIA UNIVERSITY
COLLEGE OF LAW
Morgantown, W.Va. 26506

PERSONAL DATA

Address: West Virginia University
College of Law
P.O. Box 6130
Morgantown, W.Va. 26506-6130

EDUCATION

Wesleyan University, Middletown, Conn. – B.A., 1971

Vanderbilt University, Nashville, Tn. – J.D., 1974

Temple University, Philadelphia, Pa. – LL.M., 1978

PROFESSIONAL EXPERIENCE

John W. Fisher, II Professor of Law, West Virginia University College of Law – 2002-present

Professor of Law, West Virginia University College of Law -- 1986-2002

Associate Professor of Law, West Virginia University College of Law -- 1981-86

Assistant Professor of Law, West Virginia University College of Law -- 1978-81

Abraham Freedman Fellow and Clinical Instructor in Law, Temple University -- 1976-78

Supervising and Staff Attorney, Temple Legal Aid Office, Philadelphia, Pennsylvania -- 1976-78

Directing Attorney, Appalachian Research & Defense Fund, Barbourville, Ky. -- 1975-76

Staff Attorney, Appalachian Research & Defense Fund, Barbourville, Ky. -- 1974-75

Administrator and Legal Intern, Middle Tennessee Civil Liberties Union, Nashville, Tenn. -- 1972-74

PUBLICATIONS / SCHOLARSHIP

Books

THE WEST VIRGINIA CONSTITUTION (Oxford University Press Forthcoming).

THE WEST VIRGINIA CONSTITUTION (Greenwood Publishing 1995).

INTERVIEWING, COUNSELING AND NEGOTIATING: SKILLS FOR EFFECTIVE LAWYERING (Little, Brown & Co. 1990) (with J. Harbaugh).

Course Materials

CASES AND MATERIALS ON THE FREEDOMS OF EXPRESSION (in manuscript).

CASES AND MATERIALS ON WEST VIRGINIA CONSTITUTIONAL LAW (in manuscript).

Manuals

DUTIES OF WEST VIRGINIA'S COUNTY CLERKS (2007).

Numerous Outlines and Materials for Continuing Legal Education

Articles

Recommendations for Criminal Sentencing Law Reform for the State of West Virginia: A Report of the West Virginia Law Institute to the West Virginia Legislature (2010).

Localism and the West Virginia Constitution, 109 W. VA. L. REV. 683 (2007).

Constitutional Considerations for Local Government Reform in West Virginia, 108 W. VA. L. REV. 125 (2005).

Taking the Lawyer's Craft into Virtual Space: Computer-Mediated Interviewing, Counseling, and Negotiating, 10 CLINICAL L. REV. 115 (2003) (with J. Harbaugh).

The Impact of Litigation on Rural Students: From Free Textbooks to School Consolidation, 82 NEBRASKA L. REV 9 (2003).

El principio de la alternativa menos restrictiva en Derecho constitucional norteamericano (The Less Restrictive Alternative Doctrine in American Constitutional Law), 5 *Cuadernos de Derecho Publico* (1998).

Tribute to a Champion: Thurgood Marshall, 94 W.VA. L. REV. 1 (1991).

A Synthesis and a Proposal for Reform of the Employment At-Will Doctrine, 90 W.Va. L. Rev. 319 (1988)

Client Centered Counseling and Moral Accountability for Lawyers, 10 J. OF THE LEGAL PROFESSION 97 (1985).

Application of a Constitutionally-Based Duty of Fair Representation to Union Hiring Halls, 82 W.VA. L. REV. 31 (1980).

Examining Lawyers' Skills, in CLINICAL LEGAL EDUCATION (Report of the AALS/ABA Committee on Guidelines for Clinical Legal Education) (1980).

Government Regulation and the First Amendment Religion Clauses, 17 DUQ. L. REV. 291 (1979).

Judicial Standards for Finding Denial of Equal Protection, in CONSTITUTIONAL RIGHTS OF STUDENTS (1976).

The Less Restrictive Alternative Doctrine, 27 VAND. L. REV. 971 (1974).

Miscellaneous

“Marmaduke Dent,” for the *Yale Encyclopedia of Legal Biography* (forthcoming).

“State Supreme Court Finds School Funding Formula Void as Applied to Counties Required to Support Libraries,” 27 THE LEGISLATURE 10 (West Virginia School Boards Association 2/16/07).

“Retired Attorneys Represent Indigents,” THE WEST VIRGINIA LAWYER 36 (Jan./Feb. 2006).

“The Constitution of West Virginia,” “The 1863 Constitution of West Virginia,” “Law in West Virginia,” “*Strauder v. West Virginia*,” “The *Red Jacket Coal Company* Case,” and *Virginia v. West Virginia* in THE WEST VIRGINIA ENCYCLOPEDIA (2006).

“Retired Attorneys Represent Indigents,” THE WEST VIRGINIA LAWYER 36 (Jan.-Feb. 2006).

“Mingo County Case Illustrates Historic Tension Between State and Local Officials,” 24 (No. 24) THE LEGISLATURE 10 (West Virginia School Boards Association, 9/30/05).

“Interviewing and Counseling in Context,” THOMAS COOLEY L. REV. (transcript of presentation to Clinical Division of the American Association of Law Schools, Jan. 6, 2005).

“Constitutional Issues Regarding Creation of Multi-County School Districts,” 21 (No. 9) THE LEGISLATURE 14 (West Virginia School Boards Association, 2/8/02).

Book Review, "A Defiant Life: Thurgood Marshall and the Persistence of Racism in America," 3 BIBLIOPHILOS 41 (1999).

"Safeguarding Free Expression: A Modern Controversy," SWEDEN NOW (Fall, 1987).

"Report to the Special Interim Committee on Employment Opportunities and Economic Development: Constitutional and Statutory Issues Relating to State Regulation of Coal Haulage by Railroads" (with J. Friedberg) (1984).

"Teaching Interpersonal Skills for Lawyers," WVU Law Alumni News (Fall, 1982).

Summary of *General Building Contractors Assn. v. Commonwealth of Pennsylvania*, SUPREME COURT PREVIEW (March 1982).

PUBLIC SERVICE

Member, West Virginia Access for Justice Commission (2009-present) and Member, Board of Directors of the West Virginia Access to Justice Foundation

Chairperson, West Virginia Bar Association Committee on Delivery of Legal Services to the Poor, 1994-present (member, 1984-present)

State Coordinator for West Virginia with the National Legal Aid and Defenders Association (2005-present)

President, Board of Directors of the West Virginia Senior Legal Aid, Inc. (2000-present)

Member, Board of Directors, West Virginia Humanities Council, 2002-09, Secretary of the Board, 2004-06, and President of the Board, 2006-08

Member, National Board of Directors, American Civil Liberties Union (1996-99)

President, Board of Directors of the American Civil Liberties Union of West Virginia (1997-99)

Member, Board of Directors of the American Civil Liberties Union of West Virginia (1984-86, 1991-99, and 2001-05), Legal Director (1991-94), and Co-Chair, Legal Committee (1995-99) and Chair, Legal Committee (2002-05)

Member, Board of Directors of the North Central West Virginia Legal Aid Society (1979-1988 and 1991-2000), and President (1981-84 and 1995-2000)

Member, Special Committee on Lawyer Advertising, West Virginia Trial Lawyers Association (2005)

Chairperson, West Virginia Bar Association Special Committee on Lawyer Solicitation (2000-01)

Member, Blue Ribbon Symposium on Legal Services for the Poor (1995-2004), and Chairperson, Financial Resources Subcommittee (2000)

Member, West Virginia Bar Association Committee on Continuing Legal Education (2003-present)

Member, Board of Directors of the Mountain State AIDS Network (1991-99), Vice-president (1995, 1998), and President (1996-97)

Consultant on Constitutional Law, National Conference of Bar Examiners (1990)

Consultant on Constitutional Law (1990) and on Skills Testing (1989), California Bar

Numerous lectureships and speaking engagements on constitutional law and employment law

On-going and extensive pro bono litigation in the areas of constitutional law, civil rights, and employment law

AWARDS

West Virginia University College of Law Professor of the Year (2012-13).

West Virginia Bar Foundation Fellow (2009).

American Civil Liberties Union of West Virginia, Sid Bell Award (for service to the affiliate) (2005).

West Virginia University College of Law, Outstanding Scholarship Award (2003).

West Virginia University Foundation, Outstanding Teacher Award (2002).

West Virginia University College of Law, John W. Fisher, II Professorship (2002)

West Virginia State Bar, Certificate of Merit (2001).

West Virginia State Bar, Public Service Achievement Award (1999).

West Virginia University College of Law, Outstanding Public Service Award (1997).

West Virginia University College of Law, Outstanding Scholarship Award (1996).

Mountain State Bar, Public Service Award (1992).

West Virginia Civil Liberties Union, Civil Libertarian of the Year (1984).

BAR MEMBERSHIPS

United States Supreme Court

U.S. Courts of Appeals for the Fourth and Sixth Circuits

U.S. District Courts for the Northern and Southern Districts of West Virginia and the Eastern Districts of Kentucky and Pennsylvania

States of W. Va., Ky.(inactive), and Pa. (inactive)