

## BRETT GILBERT SCHARFFS

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### TEACHING EXPERIENCE

#### **BRIGHAM YOUNG UNIVERSITY, J. Reuben Clark School of Law**

**Francis R. Kirkham Professor of Law**, September 2009 – present

**Director, International Center for Law and Religion Studies**, May 2016 – present

**Associate Dean of Faculty and Curriculum**, July 2014 – May 2016

**Associate Dean of Research and Academic Affairs**, July 2013 - July 2014

**Associate Director, International Center for Law and Religion Studies**, September 2009 – May 2016

**Professor of Law**, September 2003 - 2009

**Associate Professor of Law**, September 1999 – August 2003

**Assistant Professor of Law**, July 1997 - August 1999

- Teaching:

- Business Associations (1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2007, 2009, 2010 (winter), 2010 (fall), 2011, 2012)
- International Business Transactions (1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012)
- Regulation of International Securities (1998, 2000, 2001)
- Regulation of Mutual Funds and Investment Advisors (1998)
- Fiduciary Duty in Law and Equity (2003 (co-taught with Professor John W. (Jack) Welch), 2005, 2008)
- Church and State in the United States (1999, 2001, 2003, 2005, 2007, 2008, 2010, 2012, 2014, 2016) (co-taught with Professor Cole Durham)
- International Protection of Religious Liberty (1999, 2001, 2003, 2005, 2007, 2008, 2010, 2012, 2014, 2016) (co-taught with Professor Cole Durham)
- Theories of Adjudication (1999)
- Logic for Lawyers (2001, 2002, 2004, 2006, 2007, 2008, 2009, 2011 (winter), 2011 (fall), 2012, 2015, 2016)
- Adjudication Seminar: Rules and Balancing (2002, 2004)
- Professional Seminar (2000)
- Legal Reasoning and Persuasion Seminar (2013, 2017)
- Legislation and Regulation (2014, 2015, 2016, 2017)
- Law and Religion Colloquium (co-taught with Professors Cole Durham and Fred Gedicks) (2013)

- Law School Committee Assignments:

- Admissions Committee (1997-98, 2002-03, 2003-04)
- American Constitutional Society Faculty Advisor (2003-04)
- Appointments Committee (2004-05, 2005-06, 2006-07, 2007-08, 2008-09, 2009-10)
- Art Committee (2013-14, 2014-15, 2015-16)
- Awards Committee (1999-2000 (chair), 2000-01 (chair))

- BYU Journal of Public Law Faculty Advisor (1998-99)
  - BYU Law Review Faculty Advisor (2004-05, 2005-06, 2006-07, 2007-08)
  - Clerkship Committee (1997-98)
  - Co-Curricular (2013-14 (chair), 2014-15(chair))
  - Curriculum Committee (2009-10, 2010-11 (chair), 2011-12 (chair), 2012-13(chair))
  - Dean Search Committee (2008-09)
  - Discovery Committee / Diversity Committee (1998-99, 1999-2000)
  - Faculty Research Grants (2013-14 (chair), 2014-15 (chair), 2016-17)
  - Guest Lectures and Visitors (2004-05, 2005-06, 2006-07, 2007-08 (chair))
  - International Committee (1997-98, 1998-99, 1999-2000, 2000-01, 2001-02, 2002-03, 2003-04, 2004-05, 2005-06, 2006-07)
  - Law School Youth Mentoring Program Faculty Advisor (1998-99, 1999-2000, 2000-01, 2001-02, 2002-03, 2003-04, 2004-05, 2005-06, 2006-07, 2007-08, 2008-09, 2009-10, 2010-11, 2011-12, 2012-13, 2013-14, 2014-15, 2015-16, 2016-17)
  - Library Policy (2002-03 (chair), 2003-04 (chair), 2004-05 (chair), 2005-06 (chair), 2006-07 (chair))
  - Professional Skills (2014-15, 2015-16)
  - Post-CFS Review Coordinator (2014-15, 2015-16)
  - Professorships (2014-15, 2015-16, 2016-17)
  - Publications Committee (2013-14 (chair), 2014-15 (chair), 2015-16 (chair))
  - Moot Court Faculty Advisor (2001-02)
  - Works-in-Progress Presentation Coordinator (2013-14)
- University Committee Assignments:
    - Graduate Fellowship Application Committee / Faculty Coach for Rhodes and Marshall Scholarships (1997-98, 1998-99, 1999-2000, 2000-01, 2001-02, 2002-03)
    - University Curriculum Committee (2010-11)
    - University Council on Rank and Status (2010-11, 2011-12, 2012-13)
    - University Faculty Development Council – Council on Research and Creative Activities (2013-14, 2014-15, 2015-16)
- Awards and Honors:
    - Student Bar Association, Professor of the Year, 1999-2000

## **CENTRAL EUROPEAN UNIVERSITY LAW SCHOOL, BUDAPEST, HUNGARY**

### **Visiting Professor of Law**

#### **Spring 2007**

- International Protection of Religious Freedom (co-taught with W. Cole Durham, Jr.)
- Freedom of Religion in Comparative Perspective (co-taught with W. Cole Durham, Jr.)

#### **Spring 2008**

- Comparative Freedom of Religion

#### **Spring 2009**

- Comparative Freedom of Religion

#### **Spring 2010**

- Comparative Freedom of Religion

#### **Spring 2011**

- Comparative Freedom of Religion  
**Spring 2012**
- Comparative Freedom of Religion  
**Spring 2013**
- Comparative Freedom of Religion  
**Spring 2014**
- Comparative Freedom of Religion  
**Spring 2015**
- Comparative Freedom of Religion  
**Spring 2016**
- Comparative Freedom of Religion  
**Spring 2017**
- Comparative Freedom of Religion

**DOSHISHA UNIVERSITY, Kyoto, Japan**

**Spring 2015**

- International Business Transactions

**GEORGE WASHINGTON UNIVERSITY, THE NATIONAL LAW CENTER**

**Associate Professorial Lecturer in Law**

**Spring 1997**

- Taught advanced “International Business Transactions Seminar,” Spring 1997

**MUHAMMADIYA UNIVERSITY, EAST JAVA, INDONESIA**

**June 2013**

- Helped organize and taught at Master-Level Course on Sharia and Human Rights: Background and Core Issues in Contemporary Indonesia

**June 2014**

- Helped organize and taught at Master-Level Course on Sharia and Human Rights: Background and Core Issues in Contemporary Indonesia

**June 2015**

- Helped organize and taught at Master-Level Course on Sharia and Human Rights: Background and Core Issues in Contemporary Indonesia

**July 2016**

- Helped organize and taught at Master-Level Course on Sharia and Human Rights: Background and Core Issues in Contemporary Indonesia; course was developed into 2-year master’s degree program on Sharia and Human Rights at Muhammadiyah University

**July 2017**

- Scheduled to help organize and teach at Master-Level Course on Sharia and Human Rights: Background and Core Issues in Contemporary Indonesia

**PEKING UNIVERSITY LAW SCHOOL, BEIJING, PRC**

**Visiting Professor, Center for Constitutional and Administrative Law**

**August 2010**

- Helped organize academic program and taught three-week course for Chinese professors, government officials and judges, Certificate Training Program on Religion and the Rule of Law

**July 2011**

- Helped organize academic program and taught two-week course for Chinese professors, government officials and judges, Certificate Training Program on Religion and the Rule of Law

**July 2012**

- Helped organize academic program and taught two-week course for Chinese professors, government officials and judges, Certificate Training Program on Religion and the Rule of Law, held at Beijing Communications University

**July 2013**

- Helped organize academic program and taught two-week course for Chinese professors, government officials and judges, Certificate Training Program on Religion and the Rule of Law, held at Beijing Foreign Studies University

**July –August 2014**

- Helped organize academic program and taught two-week course for Chinese professors, government officials and judges, Certificate Training Program on Religion and the Rule of Law, to be held at Beijing Foreign Studies University

**July 2015**

- Helped organize academic program for Chinese professors, government officials and judges, Certificate Training Program on Religion and the Rule of La

**July – August 2016**

- Helped organize academic program for Chinese professors, government officials and judges, Certificate Training Program on Religion and the Rule of Law

**August 2017**

- Scheduled to help organize academic program for Chinese professors, government officials and judges, Certificate Training Program on Religion and the Rule of Law

**SITAGU INTERNATIONAL BUDDHIST ACADEMY, YANGON, MYANMAR****December, 2015**

- Helped organize academic program and taught two-week course for Burmese religious leaders, professors, legislators, community activists, government officials and judges, Certificate Training Program on Religion and the Rule of Law

**February – March 2017, Mandalay, Myanmar**

- In partnership with Mandalay Community Center and other partners, helped organize academic program and taught two-week course for Burmese religious leaders, professors, legislators, community activists, government officials and judges, Certificate Training Program on Religion and the Rule of Law

**UNIVERSITY OF ADELAIDE SCHOOL OF LAW, ADELAIDE, AUSTRALIA****Visiting Professor of Law****Summer 2012**

- Co-taught course, Law and Religion (with Professor Paul Babie and Professor Joshua Neoh, The University of Adelaide (the first course of its kind taught in South Australia, with 50 students from several universities)

**UNIVERSITY OF SOCIAL SCIENCES AND HUMANITIES, VIETNAM NATIONAL UNIVERSITY****December 2012, Hanoi Campus**

- Helped organize academic program and taught two-week course for Vietnamese professors, government officials and judges, Certificate Training Program on Religion and the Rule of Law

**September 2013, Ho Chi Minh City Campus**

- Helped organize academic program and taught two-week course for Vietnamese professors, government officials and judges, Certificate Training Program on Religion and the Rule of Law

**July 2014, Denang Campus**

- Helped organize academic program and taught two-week course for Vietnamese professors, government officials and judges, Certificate Training Program on Religion and the Rule of Law

**September 2015, Hanoi Campus**

- Helped organize academic program and taught two-week course for Vietnamese professors, government officials and judges, Certificate Training Program on Religion and the Rule of Law

**September 2016, Sapa Province, Northwest Highlands**

- Helped organize academic program and taught one-week course for Vietnamese professors, government officials and judges, Certificate Training Program on Religion and the Rule of Law

**March 2017 2016, Pleiku City, Central Highlands**

- Helped organize academic program and taught one-week course for Vietnamese professors, government officials and judges, Certificate Training Program on Religion and the Rule of Law

**YALE UNIVERSITY**

**Visiting Lecturer, 1991-92**

**Visiting Fellow, Saybrook College, Yale University, 1991-92**

- Co-taught undergraduate seminar, "Legal Formalism and its Critics," Spring 1992
- Taught undergraduate seminar, "Theories of Adjudication," Fall 1991

**YALE UNIVERSITY**

**Teaching Fellow, Political Science Department, 1990-91**

- Teaching Assistant to Professor Joseph Hamburger, "Conservatism and its Critics," Spring 1991
- Taught weekly section for Professor Jean Schrodell, "Introduction to American Government," Fall 1990
- Taught two weekly sections for Professor Phil Klinkner, "Political Parties and Elections," Spring 1990

**UNIVERSITY OF YANGON, YANGON, MYANMAR**

**Visiting, Lecturer, School of Law**

**November 2013**

- Taught six classes at Faculty Development Seminar: Challenges of Globalization and the Rule of Law in Comparative Perspective (sponsored by the Open Society Foundation and Coordinated by Central European University, Legal Studies Department)

**YOGYAKARTA UNIVERSITY, EAST JAVA, INDONESIA**

**June 2014**

- Helped organize and taught at Master-Level Course on Sharia and Human Rights: Background and Core Issues in Contemporary Indonesia

**June 2015**

- Helped organize and taught at Master-Level Course on Sharia and Human Rights: Background

and Core Issues in Contemporary Indonesia

**July 2016**

- Helped organize and taught at Master-Level Course on Sharia and Human Rights: Background and Core Issues in Contemporary Indonesia

**July 2017**

- Scheduled to help organize and teach Master-Level Course on Religion and Human Rights

**EDUCATION**

**YALE LAW SCHOOL, J.D., 1992**

- Senior Editor, Yale Law Journal, 1991-92
- Research Assistant, Professor Anthony T. Kronman, 1990-92  
The Lost Lawyer, book on character and practical wisdom in the legal profession
- Curriculum Committee, Student Representative, 1991-92
- Intern, New Haven Office of State=s Attorney, Spring 1990
- Lead Editor, Yale Journal of Law & the Humanities, 1989-90
- Claude Lambe Fellow, Institute For Humane Studies, 1990-91

**OXFORD UNIVERSITY, University College, B. Phil. In Philosophy, 1989**

- Rhodes Scholar, 1987-89
- Subjects:
  - Moral Philosophy (David Wiggins tutor)
  - Political Philosophy (Joseph Raz tutor)
  - Aristotle (J.A. Ackrill tutor)
  - Thesis, Interpretation in Adjudication: Some Philosophical Aspects of a Current Debate (1989) (unpublished B.Phil. thesis, Oxford University) (John Finnis advisor)
- Language: Ancient Greek

**GEORGETOWN UNIVERSITY, M.A. in Philosophy, 1987**

- Summa Cum Laude, GPA: 4.0/4.0
- Topical exam passed: Moral philosophy
- Language exam passed: French philosophical translation

**GEORGETOWN UNIVERSITY, B.S.B.A. in International Management, 1986**

- Magna cum Laude, GPA: 3.851/4.0
- Walt Disney Foundation / Junior Achievement Scholarship: Single national recipient of four-year full-tuition scholarship to any U.S. university
- Minor: Theology
- Language: Japanese

**EAST CHINA (JIAO TONG) UNIVERSITY, Shanghai, People’s Republic of China, Summer 1985**

- Intensive Chinese language study

**SKYLINE HIGH SCHOOL, Salt Lake City, Utah, 1981**

- General Sterling Scholar (selected single outstanding overall student), GPA: 3.95/4.0

## **LAW-RELATED EMPLOYMENT**

### **SULLIVAN & CROMWELL**

**Associate**, Washington, D.C., 1994-1997

- Investment company work: Helped establish World Equity Benchmark Shares (WEBS) foreign securities index fund, conducted rights offerings for closed-end investment companies, helped foreign investment companies prepare to register and offer shares in the United States, researched and advised clients on issues relating to advertising of performance data
- Securities transactions: IPOs, registered debt and equity offerings, Regulation S and Rule 144A offerings
- Project finance: Non-recourse financing for international projects

### **IRAN-UNITED STATES CLAIMS TRIBUNAL, Judge George H. Aldrich**

**Legal Assistant**, The Hague, The Netherlands, 1993-94

### **UNITED STATES COURT OF APPEALS, D.C. CIRCUIT, The Honorable David B. Sentelle**

**Law Clerk**, Washington, D.C., 1992-93

### **OFFICE OF LEGAL COUNSEL, U.S. DEPARTMENT OF JUSTICE**

**Summer Intern**, Washington, D.C., 1992

### **SUMMER ASSOCIATE**

- Davis Polk and Wardwell, New York City, Tokyo, Washington, D.C., 1991
- Jones, Day, Reavis & Pogue, Washington, D.C., 1991
- VanCott, Bagley, Cornwall & McCarthy, Salt Lake City, Utah, 1990

## **OTHER EXPERIENCE / EMPLOYMENT**

### **THE CENTER FOR STRATEGIC AND INTERNATIONAL STUDIES (CSIS)**

**Assistant to the President**, 1986-87

### **GEORGETOWN UNIVERSITY, OFFICE OF THE PRESIDENT**

**Student Assistant for Federal Relations**, 1984-86

### **UNITED STATES TRADE REPRESENTATIVE (USTR), EXECUTIVE OFFICE OF THE PRESIDENT OF THE UNITED STATES, JAPAN/CHINA DESK**

**Intern**, 1986

### **CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS**

**Volunteer Missionary**, Japan, 1982-84

## **PUBLICATIONS AND SCHOLARSHIP**

### ***Scheduled Forthcoming Publications***

Brett G. Scharffs, book, *MY MENTORS*, in Chinese and English, Tsinghua University Press, Beijing (manuscript submitted in 2015, Chinese translation prepared during 2016, publication scheduled in 2019)

Brett G. Scharffs, book, *LAW AND THE LIMITS OF LOGIC: WHAT ARISTOTLE, ABRAHAM LINCOLN, AND MY COUSIN VINNY TEACH US ABOUT LEGAL REASONING AND RHETORIC* (manuscript under consideration at academic publisher)

Brett G. Scharffs, book second edition, *LAW AND RELIGION: NATIONAL, INTERNATIONAL AND COMPARATIVE LAW PERSPECTIVES* (2<sup>nd</sup> edition, 2017 (co-written with W. Cole Durham, Jr.), Aspen Press / WoltersKluwer, manuscript for second edition to be submitted to publisher in 2017 and second edition scheduled for publication in 2019)

Brett G. Scharffs, book translation, *LAW AND RELIGION: NATIONAL, INTERNATIONAL AND COMPARATIVE LAW PERSPECTIVES, TURKISH TRANSLATION*, (2017, (co-written with W. Cole Durham, Jr.), reprinted from Aspen Press / WoltersKluwer) (Turkish translation of second edition of casebook began in 2015; publication scheduled 2019)

Brett G. Scharffs, book translation, *LAW AND RELIGION: NATIONAL, INTERNATIONAL AND COMPARATIVE LAW PERSPECTIVES, BURMESE TRANSLATION*, (2017, (co-written with W. Cole Durham, Jr.), reprinted from Aspen Press / WoltersKluwer, 2010) (Burmese translation of second edition of casebook began in 2015; publication scheduled 2019)

Brett G. Scharffs, book translation, *LAW AND RELIGION: NATIONAL, INTERNATIONAL AND COMPARATIVE LAW PERSPECTIVES, BAHASA INDONESIA TRANSLATION*, (co-written with W. Cole Durham, Jr.) reprinted from Aspen Press / WoltersKluwer) (Bahasa Indonesia translation scheduled to begin in 2017; publication scheduled in 2019)

Brett G. Scharffs, book translation, *LAW AND RELIGION: NATIONAL, INTERNATIONAL AND COMPARATIVE LAW PERSPECTIVES, ARABIC TRANSLATION* (co-written with W. Cole Durham, Jr.) (reprinted from Aspen Press / Wolters Kluwer) (Arabic translation scheduled to begin in 2017; publication scheduled in 2019)

Brett G. Scharffs, book introduction, *Introduction*, Chinese Translation of *SELECTED WORKS OF ROBERT COVER* (co-written with Zheng Zhang) (submitted for translation into Chinese in 2014; translated in 2015; scheduled for publication in 2019)

Brett G. Scharffs, article, *The (No So) Unique US Establishment Clause*, *JOURNAL OF LAW AND RELIGION* (Cambridge University Press, forthcoming 2019)

Brett G. Scharffs, book chapter, *Love with and without God*, in *LAW, RELIGION AND LOVE: SEEKING ECUMENICAL JUSTICE FOR THE OTHER*, Routledge Press (Paul Babie and Vanja Savic eds., 2017)

Brett G. Scharffs, two book chapters, *The Universal Declaration of Human Rights: A Basic Introduction*



*to its History and Drafting, and Freedom of Thought, Conscience and Religion from a Human Rights Perspective*, to be included in book, SHARIA AND HUMAN RIGHTS (to be published in English and Bahasa Indonesia, forthcoming in 2019)

Brett G. Scharffs, *Why Religious Freedom: Why the committed, the indifferent and those hostile to religion should care*, *BYU Law Review* (2017); Spanish translation forthcoming in *Argentinian law review*, 2017); featured on several SSRN top-ten lists

## **Publications**

2017

Brett G. Scharffs, *Audacious Faith*, *BYU SPEECHES* (2017); reprinted in *THE CLARK MEMORANDUM* (March 2017)

2016

Brett G. Scharffs, book-length monograph, *LAW AND RELIGION IN THE UNITED STATES*, *ENCYCLOPEDIA OF RELIGION*, part of global series of monographs, *INTERNATIONAL ENCYCLOPEDIA OF LAW*, published by KluwerLaw (co-written with Elizabeth Clark)

Brett G. Scharffs, chapter, *Our Fractured Attitude towards Corporate Conscience*, [book title] (Cambridge University Press, 2016); posted to SSRN at: <http://ssrn.com/abstract=2445680>

Brett G. Scharffs, *Religious Majorities and Restrictions on Religion*, *Notre Dame Law Review Annual Symposium, Religious Liberty and the Free Society, Celebrating the 50<sup>th</sup> Anniversary of Dignitatis Humanae*, *NOTRE DAME LAW REVIEW* (2016)

2015

Brett G. Scharffs, expert consultant, *KEEPING THE FAITH: A STUDY OF FREEDOM OF THOUGHT, CONSCIENCE, AND RELIGION IN ASEAN* (Human Rights Resource Center, University of Indonesia, 2015) (David Cohen and Kevin Tan, eds.)

Brett G. Scharffs, book translation, *LAW AND RELIGION: NATIONAL, INTERNATIONAL AND COMPARATIVE LAW PERSPECTIVES, VIETNAMESE TRANSLATION*, (2015, (co-written with W. Cole Durham, Jr.), reprinted from Aspen Press / WoltersKluwer, 2010)

Brett Scharffs, article, *Studying Law in the Light*, *THE CLARK MEMORANDUM*, Spring 2015 (publication of an address given at the 2014 Conference of Religiously Affiliated Law Schools at the University of St. Thomas Law School)

2014

Brett G. Scharffs, book chapter, *Comparative Constitutional Law Approaches to the Relationships of Religion and the State: Issues for the New Turkish Constitution* (co-written with W. Cole Durham, Jr.), chapter in book, *A ROAD MAP OF A NEW CONSTITUTION FOR TURKEY: ESSAYS IN COMPARATIVE CONSTITUTIONAL LAW* (Fatih Ozturk, Murat Yanik, Huseyin Ozcan, eds), Carolina Academic Press, 2014, at 129-144

Brett G. Scharffs, book chapter, *The Intersection of Religious Autonomy and Religious Symbols: Setting the Stage*, Subeditor Introduction to Law and Religion section of book, *REASONING RIGHTS: COMPARATIVE JUDICIAL ENGAGEMENT* (Liora Lazarus and Christopher McCrudden, Nigel Bowles eds., Hart publishers, Oxford, 2014)

Brett G. Scharffs, online article, *The Way Forward: Underserved Clients, Underemployed Lawyers – What Can Law Schools Do?* 72-96 *UTAH LAW REVIEW ONLAW*, No. 2, 2014

Brett G. Scharffs, article, *Revisiting Humility*, Clark Memorandum, Spring 2014

## 2013

Brett G. Scharffs, abstract, *Can Public Reason Accommodate Conscience?* CONFERENCE HANDBOOK, CHINESE ACADEMY OF SOCIAL SCIENCES (2013)

Brett G. Scharffs, abstract, *Freedom and Security: Beyond the Balancing Metaphor*, CONFERENCE PROCEEDINGS, INTERNATIONAL SYMPOSIUM: “FIGHTING AGAINST TERRORISM: BALANCING FREEDOM AND SECURITY,” Istanbul, Turkey (2013)

Brett G. Scharffs, article, *Equality in Sheep’s Clothing: The Implications of Anti-discrimination Norms for Religious Autonomy*, 10 *SANTA CLARA JOURNAL OF INTERNATIONAL LAW* 107-138 (2013), symposium issue

Brett G. Scharffs, book chapter, *Regulating Religion: Formal and Informal Mechanisms of State and Social Oversight in an Easy-Entry Registration System – the U.S. Experience*, chapter in book, 2012 BEIJING FORUM, Peking University (in English and Chinese, 2013)

Brett G. Scharffs, book chapter, *Constitutional, Legislative and Regulatory Change Regarding Religion in China*, chapter in book, *Law, Religion, CONSTITUTION: FREEDOM OF RELIGION, EQUAL TREATMENT, AND THE LAW* (W. Cole Durham, Jr., Silvio Ferrari, Christiana Cianitto, Donlu D. Thayer, eds.), at 247-266 (co-written with Liu Peng and Carl Hollan), Ashgate (2013)

Brett G. Scharffs, article, *Relational Humility*, 30 *INTERDISCIPLINARY HUMANITIES* 30-41 (Spring 2013) (Shawn Tucker, Special Issue Editor)

Brett G. Scharffs, abstract, *Eight Pressure Points in the Right to a Fair Trial: Judicial Independence and Moving Beyond Theory into Practice*, PROGRAM PROCEEDINGS, INTERNATIONAL SYMPOSIUM OF IRAQ: JUSTICE AND HUMAN RIGHTS IN IRAQ (23-24 May, 2013, Istanbul), at 40 (in English, Arabic, and Turkish)

Brett G. Scharffs, book chapter, *‘Laiklik’ Bir Model Terchi: Fransiz yada Amerikan* (in Turkish), *France and the United States: Two Models and Mythologies of Separation of Religion and the State* (Neither of

*Which Involves Separation*), chapter in book compiling papers from an International Congress on Constitutional Law, PROCEEDINGS OF THE INTERNATIONAL CONGRESS ON CONSTITUTIONAL LAW: DELIBERATIVE PLURALISTIC CONSTITUTIONISM, Bosphorus Lawyers Association (2013)

Brett G. Scharffs, article, *International Law and the Defamation of Religion Conundrum*, 10<sup>th</sup> Anniversary Issue Invited Paper: Religious Freedom in the Study and Practice of U.S. Foreign Policy, THE REVIEW OF FAITH & INTERNATIONAL AFFAIRS, Volume: 11, Issue: 01, pages 66-75 (2013)

Brett G. Scharffs, book chapter, *Secularity or Secularism: Two Competing Visions for the Relationship between Religion and the State in the New Turkish Constitution*, book compiling papers from the International Congress on Constitutional Law held in Istanbul, Turkey in May 2011, INTERNATIONAL CONGRESS ON CONSTITUTIONAL LAW, BOOK OF PAPERS, VOL. 3. (Anayasa Hukukcular Derengi, Istanbul University, TC Istanbul Kultur Universitesi, 2013), at 362-382 (English version), at 384-403 (Turkish version).

Brett G. Scharffs, article, *The Most Important Three Things in the World*, LIFE IN THE LAW: RELIGIOUS CONVICTION (J. Reuben Clark Law Society, BYU Law School, 2013), at 215-230 (reprinted BYU devotional address)

Brett G. Scharffs, online article, *John Banzhaf's Fatwa against Catholic University*, SIGHTINGS, online journal of the University of Chicago Divinity School, (January 10, 2013), <http://divinity.uchicago.edu/martycenter/publications/sightings/archive/2013/0110>

2012

Brett G. Scharffs, abstract, *Regulating Religion: Formal and Informal Mechanisms of State and Social Oversight in an Easy-Entry Registration System – the U.S. Experience* (full article in English and Chinese published in 2013), BEIJING FORUM 2012: FAITH AND SOCIETY: SPIRITUAL REFLECTIONS OF GLOBAL AGE – COLLECTION OF PAPERS AND ABSTRACTS (2012), at 317-19, conference proceedings of Beijing Forum 2012, Peking University, Beijing, PRC (2012)

Brett G. Scharffs, book translation, LAW AND RELIGION: NATIONAL, INTERNATIONAL AND COMPARATIVE LAW PERSPECTIVES, CHINESE TRANSLATION, (2012, Democracy and Law Press, Min Zhu Yufazhi Zhubanshe), (co-written with W. Cole Durham, Jr.), reprinted from Aspen Press / WoltersKluwer, 2010)

Brett G. Scharffs, book chapter, *The Role of Judges in Determining the Meaning of Religious Symbols*, at 35-58, chapter in book, THE LAUTSI PAPERS: MULTIDISCIPLINARY REFLECTIONS ON RELIGIOUS SYMBOLS IN THE PUBLIC SCHOOL CLASSROOM (Jeroen Temperman, ed.), Martinus Nijhoff Publishers, 2012

Brett G. Scharffs, article, *Comparative Constitutional Law Approaches to the Relationship of Religion and the State: Issues for the New Turkish Constitution*, JUSTICE ASSOCIATION JOURNAL, Istanbul, at 79-90 (2012, in Turkish) (co-written with W. Cole Durham, Jr.)

Brett G. Scharffs, book chapter, *Protecting Religious Freedom: Two Counterintuitive Dialectics in US Free Exercise Jurisprudence*, chapter in book, FREEDOM OF RELIGION UNDER BILLS OF RIGHTS (Paul Babie and

Neville Rochow, eds., Univeristy of Adelaide Press, 2012), at 285-320 (collecting papers from Conference, "Cultural and Religious Freedom under a Bill of Rights," held August 2009, at the Old Parliament House in Canberra, Australia)

2011

Brett G. Scharffs, article, *Four Views of the Citadel: The Consequential Distinction between Secularity and Secularism*, 6 RELIGION AND HUMAN RIGHTS: AN INTERNATIONAL JOURNAL 109-26 (Martinus Nijhoff Publishers, Issue 2, 2011)

Brett G. Scharffs, article, *Echoes from the Past: What We Can Learn About Unity, Belonging and Respecting Differences from the Flag Salute Cases*, Symposium Issue: Belonging, Families, and Family Law, Presented at BYU Law School, January 28, 2011, 25 BRIGHAM YOUNG UNIVERSITY JOURNAL OF PUBLIC LAW, No. 2, 361-403 (2011).

Brett G. Scharffs, Roundtable Participant, *Conference on Laicite in Comparative Perspective*, St. Johns University School of Law, Paris, France, June 2010, conference proceedings, 49 ST. JOHN'S UNIVERSITY LAW SCHOOL JOURNAL OF CATHOLIC LEGAL STUDIES NO. 1, 1-142 (2011)

Brett G. Scharffs, article, *Symposium Introduction: The Freedom of Religion and Belief Jurisprudence of the European Court of Human Right: Legal, Moral, Political and Religious Perspectives*, Program Chair, Program of the Law and Religion Section, Association of American Law Schools, XXVI JOURNAL OF LAW AND RELIGION No.1, 249-260 (2010-11) (symposium papers by Zachary R. Calo, Gerhard Robbers, Carolyn Evans, and Malcolm D. Evans, pgs 261-370)

Brett G. Scharffs, article, *Creation and Preservation in the Constitution of Civil Religion*, Symposium, "Civil Religion" in the United States and Europe: Four Comparative Perspectives, 41 THE GEORGE WASHINGTON INTERNATIONAL LAW REVIEW, No. 4, 985-1,000 (2011)

2010

Brett G. Scharffs, article, *Comparative Models for Transitioning from Religious to Civil Marriage Systems*, (co-written with Suzanne Disparte), CONFERENCE PROCEEDINGS, FAMILY LAW IN A MULTICULTURAL ENVIRONMENT: CIVIL AND RELIGIOUS LAW IN FAMILY MATTERS, International Society of Family Law Regional Conference, Tel-Aviv, Israel, 2009; reprinted in 12 JOURNAL OF LAW AND FAMILY STUDIES 409-430 (2010) (University of Utah Law School).

Brett G. Scharffs, article reprint, *Religious Monopolies and the Commodification of Religion*, CONFERENCE PROCEEDINGS, CONFERENCE ON LAW AND RELIGION, Peking University, Beijing, China, August 2010 (written with Shima Baradaran-Robison and Elizabeth A. Sewell), reprinted from 32 PEPPERDINE LAW REVIEW 885-943 (2005).

Brett G. Scharffs, article, *The Most Important Three Things in the World*, CLARK MEMORANDUM, Spring 2010, 2-9.

Brett G. Scharffs, article reprint, *The Most Important Three Things in the World*, 2009-2010 BYU SPEECHES 13-29 (2010).

Brett G. Scharffs, article, *May a Public Law School Deny Recognition to a Religious Student Group Based on the School's Nondiscrimination Policy*, Christian Legal Society Chapter of the University of California, Hastings College of the Law v. Martinez et al., 37 PREVIEW OF UNITED STATES SUPREME COURT CASES 300-305, Issue No. 7, April 19, 2010.

Brett G. Scharffs, article abstract, *Comparative Religion-State Systems*, Collected Papers from International Conference on Religion, Law and Governance in South East Asia, International Institute of Advanced Islamic Studies (IAIS) Malaysia (2010); published on conference web site and in collected conference materials

Brett G. Scharffs, casebook, LAW AND RELIGION: NATIONAL, INTERNATIONAL AND COMPARATIVE LAW PERSPECTIVES (co-written with W. Cole Durham, Jr.) (Aspen Press / WoltersKluwer, 2010)

2009

Brett G. Scharffs, article, *From Identification to Secularism: Comparative Constitutional Law Approaches to Law and Religion* (co-written with W. Cole Durham, Jr.), TRIBUHAVEN UNIVERSITY LAW REVIEW (National University of Nepal, 2009)

Brett G. Scharffs, article, *Volunteerism, Charitable Giving, and Religion: The U.S. Example*, 7 REV. FAITH & INT'L AFF'S, No. 3 (pgs. 61-67) (Fall 2009)

Brett G. Scharffs, electronic publication, Official Welcome, *The Prospect of an Australian Constitutional Moment: The Debate About a Bill (or Charter) of Rights*, Conference on Cultural and Religious Freedoms under a Bill of Rights, Old Parliament House, Canberra, ACT, Australia, August 13-15, published electronically on CD of Collected Conference Papers,

Brett G. Scharffs, electronic article, *Protecting Religious Freedom: Two Counterintuitive Dialectics in U.S. Free Exercise Jurisprudence*, Conference on Cultural Religious and Cultural Freedom under a Bill of Rights, Old Parliament House, Canberra, ACT, Australia, August 13-15, published electronically on CD of Collected Conference Papers, later published as chapter in book

Brett G. Scharffs, *A Proposal for Teaching Human Rights and Religious Freedom in High Schools* (co-written with Isabelle Kinnard, Vice President for Education, Council for America's First Freedom), Conference Proceedings, 16<sup>th</sup> Annual Education Law Conference, University of Southern Maine, University of Maine School of Law, published online by The West Education Network (TWEN), at <http://lawschool.westlaw.com>

Brett G. Scharffs, online article, *Religion in the Schools: An Update on Current Issues and Landmines* (co-written with Frank S. Ravitch, Professor of Law, Michigan State University College of Law), Conference Proceedings, 16<sup>th</sup> Annual Education Law Conference, University of Southern Maine,

University of Maine School of Law, published online by The West Education Network (TWEN), at <http://lawschool.westlaw.com>

Brett G. Scharffs, online article, *Cyberspace and the Schoolhouse Gate: A Framework for Evaluating the Regulation of Sexting, Cyberbullying, Hate Speech and other Online Student Speech* (co-written with Kenneth R. Pike, J.D., BYU Law School, PhD Candidate Arizona State University), Conference Proceedings, 16<sup>th</sup> Annual Education Law Conference, University of Southern Maine, University of Maine School of Law, published online by The West Education Network (TWEN), at <http://lawschool.westlaw.com>.

Brett G. Scharffs, article, *Religion in the Schools: An Update on Current Issues and Trends* (co-written with Frank S. Ravitch, Professor of Law, Michigan State University College of Law), Conference Proceedings, SEVENTH COMMONWEALTH EDUCATION LAW CONFERENCE, CRITICAL ISSUES IN EDUCATION LAW AND POLICY 59-68 (LexisNexis, 2009)

Brett G. Scharffs, article, *Cyberbullying and the Schoolhouse Gate: A Framework for Evaluating the Regulation of Online Student Speech* (with Kenneth R. Pike, BYU Law School, J.D. 2009), Conference Proceedings, SEVENTH COMMONWEALTH EDUCATION LAW CONFERENCE, CRITICAL ISSUES IN EDUCATION LAW AND POLICY 127-135 (LexisNexis, 2009)

Brett G. Scharffs, electronic publication, *Response to Supana Malla Pradhama, Member Constituent Assembly, Human Rights and Secularism Panel*, published on conference web site for International Conference on the Constitution Making of Nepal, February 2009

2008

Brett G. Scharffs, article, *Comparative Approaches to Legislation Concerning Law and Religion*, CONFERENCE PROCEEDINGS, RELIGION AND RULE OF LAW: THE LEGAL SYSTEM AND RELIGION IN A HARMONIOUS SOCIETY, 12-46 (Institute of World Religions, Chinese Academy of Social Sciences, 2008) (published in English and Chinese)

Brett G. Scharffs, article, *Responding to the Competing Claims of State Security and Religious Autonomy*, CONFERENCE PROCEEDINGS, RELIGIOUS LIBERTY AS A MEANS OF INCREASING RELIGIOUS TOLERANCE (Mongolian Council on Religious Affairs, 2008) (published in English and Mongolian)

Brett G. Scharffs, article, *Navigating the Treacherous Waters of Religion in the Schools: An Update* (co-written with Kristi L. Bowman, Assistant Professor of Law, Michigan State University College of Law), SIXTH COMMONWEALTH EDUCATION LAW CONFERENCE, CRITICAL ISSUES IN EDUCATION LAW AND POLICY (LexisNexis, 2008)

Brett G. Scharffs, article, *A Proposal for Teaching Human Rights and Religious Freedom in High Schools* (co-written with Isabelle Kinnard, Vice President for Education, Council for America's First Freedom), SIXTH COMMONWEALTH EDUCATION LAW CONFERENCE, CRITICAL ISSUES IN EDUCATION LAW AND POLICY (LexisNexis, 2008)

2007

Brett G. Scharffs, book chapter, *Footings of Mormon Conceptions of Law: Vantage Points for Understanding Constitutional Law and the Law of Religious Freedom*, (co-written with W. Cole Durham, Jr. and Michael K. Young, co-authored chapter in book, FAITH AND LAW: HOW RELIGIOUS TRADITIONS FROM CALVINISM TO ISLAM VIEW AMERICAN LAW (New York University Press, 2007)

Brett G. Scharffs, article, *Security, Religious Autonomy, and the Good Society*, 5 REV. FAITH & INT'L AFF'S, No. 3 (pgs. 3-10) (Fall 2007)

Brett G. Scharffs, article, *The Integration of Federal, State and Informal Mechanisms in the Regulation of Charities in the United States*, THESES COLLECTION OF THE INTERNATIONAL SYMPOSIUM ON CHARITY LEGISLATION OF CHINA (pgs. 140-153, Chinese version) (2007)

Brett G. Scharffs, article, *The Integration of Federal, State and Informal Mechanisms in the Regulation of Charities in the United States*, COLLECTED PAPERS OF THE INTERNATIONAL SYMPOSIUM ON CHARITY LEGISLATION OF CHINA (English version) (2007)

Brett G. Scharffs, article, *Charitable and Economic Activities of Religious Groups*, COLLECTED PAPERS OF INTERNATIONAL CONFERENCE ON RELIGION AND THE RULE OF LAW IN SOUTHEAST ASIA: CONTINUING THE DISCUSSION (English and Vietnamese versions) (2007)

Brett G. Scharffs, article, *School Reform, Diversity in Education and in the Profession: What ELA Can Do To Help*, (co-written with Sarah Redfield), PROCEEDINGS OF THE EDUCATION LAW ASSOCIATION 53<sup>RD</sup> ANNUAL CONFERENCE, EDUCATION AND SOCIETY: ACCOUNTABILITY, SAFETY & CLIMATE (2007)

2006

Brett G. Scharffs, article, *Responding to the Competing Claims of State Security and Religious Autonomy*, chapter in conference proceedings, SELECTED PAPERS FROM THE INTERNATIONAL CONFERENCE ON LAW AND RELIGION IN TRANSITIONAL SOCIETIES: COMPARATIVE APPROACHES TO THE RULE OF LAW, Oslo, Norway (published in English (pgs. 65-77) and Chinese (pgs. 216-222) (2006)

Brett G. Scharffs, book chapter, *The State and Religious Communities in the United States: The Tension Between Freedom and Equality*, (co-written with W. Cole Durham, Jr.), co-authored chapter in book, CHURCH AND STATE: TOWARDS PROTECTION FOR FREEDOM OF RELIGION, PROCEEDINGS OF INTERNATIONAL CONFERENCE ON COMPARATIVE CONSTITUTIONAL LAW, 2005, Tokyo, Japan (published in Japanese (pgs. 317-361) and English (pgs. 362-406), The Japanese Association of Comparative Constitutional Law (2006)

Brett G. Scharffs, book chapter, *Governance, Duty, and Accountability: Oversight of Nonprofit Organizations in the United States*, co-authored chapter in book, PROCEEDINGS OF THE FIRST NATIONAL TRAINING COURSE FOR SENIOR CHINESE CHARITY OFFICIALS 8-27 (English version) 28-42 (Chinese version) (2006).

Brett G. Scharffs, article, *Religion in Public Schools: An Update*, (co-written with Frank S. Ravitch), co-

authored chapter in book, *CRITICAL ISSUES IN EDUCATION LAW AND POLICY, FOURTH COMMONWEALTH EDUCATION LAW CONFERENCE 9-14* (2006 LexisNexis).

Brett G. Scharffs, article, *Student Aspiration and Achievement: Working in Partnership Along the Educational Pipeline From Preschool to Professional School*, (co-written with Sarah E. Redfield), co-authored chapter in book, *CRITICAL ISSUES IN EDUCATION LAW AND POLICY, FOURTH COMMONWEALTH EDUCATION LAW CONFERENCE 45-60* (2006 LexisNexis).

2005

Brett G. Scharffs, book chapter, *The United States Law of Charities: A Summary*, (co-written with W. Cole Durham, Jr. and Michael Durham), co-authored chapter in book, *PROCEEDINGS OF THE FIRST INTERNATIONAL CHARITY LAW COMPARATIVE SEMINAR 239-268* (Chinese version) 269-308 (English version) 2005.

Brett G. Scharffs, article, *Does the Government Have a Compelling State Interest in Prohibiting Sacramental Use of Hoasca Tea?* *AMERICAN BAR ASSOCIATION PREVIEW OF UNITED STATES SUPREME COURT CASES* 52-56 (5 pages, 0 footnotes) (Issue No. 2, October 31, 2005).

Brett G. Scharffs, article, *An Analytic Framework for Understanding and Evaluating the Fiduciary Duties of Educators*, (co-written with John W. Welch), *2005 BYU EDUCATION AND LAW JOURNAL* 159-230 (71 pages, 214 footnotes) (Vol. 2005, No. 2); reprinted in *Conference Proceedings, 2005 Main Education Law Conference*.

Brett G. Scharffs, article, *Three Assumptions Lawyers Must Never Make*, *THE CLARK MEMORANDUM* 10-19 (fall 2005) (9 pages, 32 footnotes). Received Gold Medal, 2006 Case Circle of Excellence Awards Program, Council for Advancement and Support of Education.

Brett G. Scharffs, book chapter, *How to Start and Manage a Collaborate Law School Youth Mentoring Program* (co-written with Betsy Fowler), co-authored chapter in book, *CRITICAL ISSUES IN EDUCATION LAW AND POLICY 217-225*, Conference Proceedings, Third Virginia Education Law Conference, LexisNexis (2005).

Brett G. Scharffs, article, *Religious Monopolies and the Commodification of Religion* (co-written with Shima Baradaran-Robison and Elizabeth A. Sewell), *32 PEPPERDINE LAW REVIEW* 885-943 (2005) (58 pages, 338 footnotes)

Brett G. Scharffs, book foreword, *Foreword* (co-written with W. Cole Durham, Jr.), co-authored foreword in book, *RELIGIOUS FREEDOM IN CHINA: POLICY, ADMINISTRATION, AND REGULATION – A RESEARCH HANDBOOK v-xiii*, (by Kim-Kwong Chan and Eric R. Carlson) (2005)

Brett G. Scharffs, article, *Do Displays of the Ten Commandments on Public Property Violate the Establishment Clause?*, *AMERICAN BAR ASSOCIATION PREVIEW OF UNITED STATES SUPREME COURT CASES* 298-307 (10 pages, 0 footnotes) (Issue No. 5, February 22, 2005).



Brett G. Scharffs, article, *What Constitutes "Loss Causation" in a Section 10(b) Securities Fraud on the Market Case?*, AMERICAN BAR ASSOCIATION PREVIEW OF UNITED STATES SUPREME COURT CASES 225-230 (5 pages, 0 footnotes) (Issue No. 4, January 10, 2005).

2004

Brett G. Scharffs, article, *The Autonomy of Church and State*, 2004 BRIGHAM YOUNG UNIVERSITY LAW REVIEW 1217-1348 (2004) (132 pages, 452 footnotes), featured article in symposium with responses written by Ronald R. Garet and Mark Tushnet.

Brett G. Scharffs, symposium introduction, *Introduction: One Nation Under God? Unity, Diversity, and Neutrality Under the Religion Clauses*, *Proceedings of the Annual Meeting of the Association of American Law Schools Section on Law and Religion*, 2004 BRIGHAM YOUNG UNIVERSITY LAW REVIEW 983-993 (2004) (11 pages, 41 footnotes).

Brett G. Scharffs, article, *The Character of Legal Reasoning*, 61 WASHINGTON AND LEE LAW REVIEW 733 (2004) (53 pages, 146 footnotes).

Brett G. Scharffs, book chapter, *Reconceptualizing the Fiduciary Duties of Educators*, co-authored chapter in book, CRITICAL ISSUES IN EDUCATION LAW AND POLICY, CONFERENCE PROCEEDINGS, SECOND VIRGINIA EDUCATION LAW CONFERENCE, LexisNexis (2004) (co-written with John W. (Jack) Welch) (19 pages, 110 footnotes)

Brett G. Scharffs, article, *Emerging International Efforts to Combat Corruption: Sea Change or Passing Squall*, chapter in book, CONFERENCE PROCEEDINGS, BYU INTERNATIONAL SOCIETY 14<sup>TH</sup> ANNUAL CONFERENCE, THE GOSPEL, PROFESSIONAL ETHICS, AND CROSS-CULTURAL EXPERIENCE (2004) (19 pages, 118 footnotes)

Brett G. Scharffs, article, *Is the Pledge of Allegiance an Unconstitutional Establishment of Religion?*, AMERICAN BAR ASSOCIATION PREVIEW OF UNITED STATES SUPREME COURT CASES 304-311 (8 pages, 0 footnotes) (Issue No. 6, March 15, 2004)

2003

Brett G. Scharffs, article, *Is an Investment Contract that Promises a Fixed Rate of Return a "Security" Under Federal Law?*, AMERICAN BAR ASSOCIATION PREVIEW OF UNITED STATES SUPREME COURT CASES 90-93 (4 pages, 0 footnotes) (Issue No. 2, October 31, 2003)

Brett G. Scharffs, article, *The Autonomy of Church and State: The Case of Religion in Public Schools*, 2003 VIRGINIA EDUCATION LAW JOURNAL 33 (2003)

Brett G. Scharffs, article, *Does California Unconstitutionally Pursue Its Own 'Foreign Policy' by Requiring Insurance Firms to Disclose the Status of Holocaust-Era Policies?*, AMERICAN BAR ASSOCIATION PREVIEW OF UNITED STATES SUPREME COURT CASES 409-414 (6 pages, 0 footnotes) (Issue 7, April 18, 2003)

Brett G. Scharffs, article, *Is a Corporation that is Indirectly Owned by a Foreign State Immune From Suit?*, AMERICAN BAR ASSOCIATION PREVIEW OF UNITED STATES SUPREME COURT CASES 196-200 (5 pages, 0 footnotes) (Issue 4, January 6, 2003)

## 2002

Brett G. Scharffs, article, *Applicability of Human Rights Standards to Private Corporations: An American Perspective*, 50 THE AMERICAN JOURNAL OF COMPARATIVE LAW 531-566 (35 pages, 231 footnotes) (co-written with Stephen G. Wood) (2002)

Brett G. Scharffs, book review, *Review Essay: The Impertinent Student and Stealth Prosecutor. The Genesis of Justice: Ten Stories of Biblical Injustice that Led to the Ten Commandments and Modern Law*, by Alan M. Dershowitz, XVII THE JOURNAL OF LAW AND RELIGION (Nos. 1 & 2) 427-434 (8 pages, 3 footnotes) (2002)

Brett G. Scharffs, article, *The Lawyer as Composer: Composing Law (Part II of II)*, THE CLARK MEMORANDUM 30-41 (12 pages, 81 footnotes) (Fall 2002)

Brett G. Scharffs, article, *The Lawyer as Composer: Composing Conflict (Part I of II)*, THE CLARK MEMORANDUM 2-9 (7 pages, 47 footnotes) (Spring 2002)

Brett G. Scharffs, article, *Hot-Deck Imputation in the Decennial Census: What Counts As a Count? Case at a Glance: State of Utah v. Evans*, AMERICAN BAR ASSOCIATION PREVIEW OF UNITED STATES SUPREME COURT CASES 322-26 (5 pages, 0 footnotes) (Issue 6, March 13, 2002)

Brett G. Scharffs, article, *Starting a Law School Youth Mentoring Program*, 2002 BYU EDUCATION AND LAW JOURNAL 233-254 (22 pages, 2 footnotes) (2002)

## 2001

Brett G. Scharffs, article, *Law as Craft*, 54 VANDERBILT LAW REVIEW 2244-2347 (103 pages, 550 footnotes) (2001). A preliminary version of this article was published as, Brett G. Scharffs, *The Judicial Craft*, online at Stanford/Yale Junior Faculty Forum, Paper No.01-16, Social Science Research Network Electronic Library (102 pages), <http://papers.ssrn.com/sol3/papers>

Brett G. Scharffs, article, *Adjudication and the Problems of Incommensurability*, 42 WILLIAM AND MARY LAW REVIEW 1367-1435 (68 pages, 172 footnotes) (2001)

Brett G. Scharffs, newspaper article, *Can Lawyers Follow Christ?* THE BYU COLLEGIATE POST 5, 8 (2 pages, 0 footnotes) (Vol. 1 Issue 7, 12 September 2001)

## 2000

Brett Scharffs, book review, *Is it Possible to Be a Lawyer and a Christian*, Book Review: Joseph G. Allegretti, *The Lawyer's Calling: Christian Faith and Legal Practice*, THE CLARK MEMORANDUM 26-32 (7 pages, 0 footnotes) (Spring 2000)

1998

Brett Scharffs, article, *The Role of Humility in Exercising Practical Wisdom*, 32 UNIVERSITY OF CALIFORNIA DAVIS LAW REVIEW 127-199 (73 pages, 184 footnotes) (1998)

Brett Scharffs, article, *Centering on Humility*, THE CLARK MEMORANDUM 2-13 (12 pages, 28 footnotes) (Winter 1998)

### **SELECT SCHOLARLY PRESENTATIONS**

2017

Roundtable discussion, Workshop for Legislators, Freedom of thought Conscience and Religion in Myanmar Law, Yangon, Myanmar, February 2017

Panelist and Moderator, Academic Conference, Religion and the Rule of Law in Myanmar: Yesterday, Today, and Tomorrow, Mandalay, Myanmar, February 2017

The Future of Religion in Myanmar, Alumni Meeting of the 2015 Certificate Training Course on Religion and the Rule of Law, Sitagu Buddhist Academy, Yangon, Myanmar, February 2017

Panelist / Presenter, Vietnam's Law Regulating Religion, Academic Conference: Religion and the Rule of Law in Vietnam and Southeast Asia, Pleiku City, Central Highlands, Vietnam, March 2017

Panelist / Presenter, The Role of Pancasila in Indonesia Constitutionalism and the future of FORB in Indonesia, Leimena Institute Conference on Religion and the Rule of Law in Indonesia, Jakarta, Indonesia, March 2017

Panelist / Presenter, Why Religious Freedom, Chambresy House, co-sponsored by International Center for Law and Religion Studies, Geneva, Switzerland, April 2017

Forthcoming Lecture, Why Religious Freedom, University of Leuven, Belgium, April 2017

Forthcoming Lecture, Why Religious Freedom, Radboud University, Nijmegen, Netherlands, April 2017

Forthcoming Lecture, Why Religious Freedom, The University of Amsterdam, Netherlands April 2017

Forthcoming Presentation and Discussion, Why Religious Freedom, Brussels, Belgium, April, 2017

Forthcoming Lecture / Panelist, Why Religious Freedom, University of Milan, Italy, April 2017

Forthcoming Lecture, Why Religious Freedom, University of Padua, Italy, April 2017

Forthcoming Lecture, Why Religious Freedom, University of Trento, Italy, April 2017

Forthcoming Lecture, Why Religious Freedom, University of Treviso, Italy, April 2017

Forthcoming presentation, Religion and Security, African Consortium of Law and Religion Studies Conference, Rabat, Morocco, May 2017

Forthcoming presentation, Proper and Improper Proselytism in Kokkinakis and its aftermath, conference commemorating the 25<sup>th</sup> Anniversary of the Kokkinakis decision, Central European University, Budapest, May 2017; to be published in Journal of Religion and Human Rights; longer version to be published in book commemorating Kokkinakis published by Routledge

Forthcoming presentation, Religious Monopolies in the Post-Soviet Era in Eastern Europe, Conference, Free University of Tbilisi, Tbilisi, Georgia, May 2017

Forthcoming presentation, Religion and Development, G20 Interfaith Summit, Potsdam, Germany, June 2017

Forthcoming presentation, Religious Freedom for Non-Specialists, Religious Freedom Annual Review, Brigham Young University, July 2017

2016

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2015

Moderator and Presenter, Religious Majorities and Restrictions on Religion, Panel on Religious Majorities and Minorities in ASEAN Nations, Academic Conference, Religion and Rule of Law: Yesterday, Today, Tomorrow, Myanmar Baptist Convention, Yangon, Myanmar, December 2015

Moderator, Religious Leaders Perspectives on Religious Needs of Majorities and Minorities in Myanmar, Academic Conference, Religion and Rule of Law: Yesterday, Today, Tomorrow, Myanmar Baptist Convention, Yangon, Myanmar, December 2015

Presentation, Beyond Juriscentric Solutions to Speech that Offends and Harms, International Symposium, Do Freedoms Unite or Divide: Negotiating the Borders of Freedom of Expression and Freedom of Religion in a Multicultural World, Fatih Sultan Mehmet Vakif University, Alliance of Civilizations, Istanbul, Turkey, November 2015 (paper to be included as chapter in Jeroen Temperman edited book on hate speech)

Presentation, Beyond Juriscentric Solutions to Speech that Offends and Harms, G20 Interfaith Summit:

Religion, Harmony and Sustainable Development, Istanbul, Turkey, November 2015

Presentation, Religious Majorities and Restrictions on Religion, Notre Dame Law Review Symposium, Religious Liberty and the Free Society, Celebrating the 50<sup>th</sup> Anniversary of *Dignitatis Humanae*, Notre Dame Law School, South Bend, Indiana, November 2015 (article to be published in Notre Dame Law Review)

Lecture, The Future of Freedom of Religion in the U.S. and Abroad, BYU CVLC Meeting, BYU Law School, Provo, Utah, October 2015

Presentation, The Future of Freedom of Religion in the U.S. and Abroad, BYU Employees, Aspen Grove, Utah, October 2015

Moderator and Panelist, Hate Speech, World Parliament of Religions, Salt Lake City, Utah, October 2015

Presentation, The Future of Freedom of Religion and Conscience: Comparative and Secular Approaches to Religious Freedom and Freedom of Conscience, Religious Freedom Consultation, Templeton Foundation, Templeton Religion Trust, National Constitution Center, Philadelphia, Pennsylvania, October, 2015

Presentation, Differentiating Core, Important and Desirable Factors Regarding Religion and the Rule of Law – State and Religious Interests, Conference on Religion and the Rule of Law, University of Social Sciences and Humanities, Vietnam National University, Hanoi, Vietnam, September 2015 (version of this presentation will be published as an article in the Review of Faith and International Affairs)

Lecture, From Hobby Lobby to Same Sex Marriage: The Future of Religious Freedom in America, J. Reuben Clark Law Society and BYU Management Society, Jewish Community Center, Albuquerque, New Mexico, September 2015

Presented, Vietnam's Proposed 'Law on Religions and Beliefs': Differentiating Core, Important, and Desirable Factors Regarding Religion and the Rule of Law – State and Religious interests, Beijing Union University Conference on the Regulation of Religion and Cultic Groups, Beijing, PRC, August 2015

Distinguished Guest Lecture, From Hobby Lobby to Same Sex Marriage: The Future of Religious Freedom in the United States, Singapore National University, Singapore, August 2015

Lecture, Understanding Human Rights and How they Get Implemented, 2015 religious Freedom Annual Review and Workshops, a CLE Program held at BYU, Provo, Utah, July 2015

Presented, Four Models of Public Discourse and their Implications for the Public Sphere (to be published in the Oxford Journal of Law and Religion, Oxford Conference on Law and Religion, Oxford, England, June 2015

Presented, The Relationship of Religion and the State: The Surprising Similarities and Important Differences in the Political Philosophy of Marx and Locke, Chinese Academy of Social Sciences,

Department of World Religions conference on Marx and Religion, Beijing, PRC, May 2015 (to be published in CASS Journal on study of Marx and religion)

Presented, Law and Religion: A Tour d'Horizon, Utah Appellate Judges Conference, Park City, Utah, May 2015

Presented, Differentiating Core, Important and Desirable Factors Regarding Religion and the Rule of Law: State and Religious Interests, Bilateral Conference on Religion and Law in the United States and Vietnam: A Comparative Study, Washington, D.C., May 2015

Presented, Registration and Regulation of Religion in an Easy-entry System: the U.S. Experience, Bilateral Conference on Religion and Law in the United States and Vietnam: A Comparative Study, Washington, D.C., May 2015

Presented work in progress, Four Models of Public Discourse, doctoral seminar in legal studies department, Central European University, Budapest, Hungary, April 2015

Presented, Secularity versus Secularism: A Conceptual Map, Peres Academic Center, International Workshop: Comparative Perspectives of Law and Religion, Rehovot, Israel, March 2015

Presented Four Models of Public Discourse and their Implications for the Public Sphere, at the Conference on Legal and Moral Challenges of Religious Resurgence, The Van Leer Jerusalem Institute, Jerusalem, Israel, March 2015 (to be published in Oxford Journal of Law and Religion)

Presented work in progress, Four Models of Public Discourse and their Implications for Religion, Politics and Society, European University Institute, Department of Political and Social Sciences, Florence, Italy, March 2015

Presented Keynote Address, Secular and Religious Conscience, International Law and Religion Moot Court Competition, sponsored by Studium Generale Marcianum, Venice, Italy, March 2015

Presented, The Cardinal Virtue of Practical Reason, as part of opening panel (with Professors Steven Smith and Perry Dane), Practical Reason, Wisdom, and Law, Pepperdine Law School Conference, Wisdom, Law and Lawyers, February 2015

Participant, Developing a Multilateral Approach to Freedom of Religion or Belief: A European Perspective, Wilton Park, UK Foreign Ministry, London, United Kingdom, February 2015

Chair and moderator, Revisiting Interpretation, Association of American Law Schools Annual Meeting, Section on Law and Interpretation, Debate featuring Professor Stanley Fish and Judge Richard Posner, Washington, D.C., January 2015

2014

Presented, Rhetoric and Truth, West Coast Rhetoric Scholarship Workshop, University of Law Vegas

Law School, Law Vegas, Nevada, November 2014

Presented, "Secularity vs. Secularism: A Conceptual Map, Plenary Session, conference, The Future of Secularisms, 21<sup>st</sup> Annual International Law and Religion Symposium: Varieties of Secularism, Religion, and the Law, BYU Law School, Provo, Utah, October 2014

Moderator, Secularisms, Religion, and Social Tensions, Plenary Session, 21<sup>st</sup> Annual International Law and Religion Symposium, BYU Law School, Provo, Utah, October 2014

Moderator and panelist, Comparative Strategies for Fostering FORB, Dialogue on Transatlantic Cooperation in Religion, International Relations, and Fostering Freedom of Religion or Belief, Washington, D.C., October 2014

Presented, Scholarship at an LDS Religiously-Affiliated Law School: Some Reflections on Studying Law in the Light, Religiously Affiliated Law Schools Conference: Religious Identity in a Time of Challenge for Law Schools, University of St. Thomas School of Law, Minneapolis, Minnesota, September 2014

Participant, Conference, Religion and Rule of Law: Religious Organizations, Beijing Foreign Studies University, Peking University, and Pu Shi Institute of Social Sciences, Beijing, August 2014

Presented, The Uncanny Similarities (and Important Differences) in Registration Laws Designed to Facilitate or Frustrate Freedom of Religion and Belief," conference, Law and Religion in Africa: The Quest for the Common Good in Pluralistic Societies, Africa Consortium of Law and Religion Studies Second Annual Conference, Stellenbosh University, South Africa (to be published with other conference papers in a book or journal), June 2014

Presented, Secularity versus Secularism: A Conceptual Map, Oxford Journal of Law and Religion 2014 Summer Academy, St. Hugh's College, University of Oxford, conference, Sacred and Secular: Varieties of Secularism and International Freedom from the Perspectives of Comparative Law, International law and Foreign Policy, Oxford, United Kingdom, June 2014

Presented, Secularism versus Secularity: A Conceptual Map, conference on Varieties of Secularism, Central European University, Budapest, Hungary, May 2014

Participant, Drafting meeting for Human Rights Resource Center (HRRC) Study on Freedom of Thought, Conscience and Belief in the Association of South East Asian Nations (ASEAN), Bangkok, Thailand, May 2014

Public Lecture, Our Fractured Attitude Towards Corporate Conscience, Wheatley Institute Lecture, BYU, Provo, Utah, February, 2014 (to be published as chapter in book collecting lectures in lecture series)

Chair and moderator, Panel on "Politics and Practicality: Living in the USA Model, Religious Legal Theory Conference, "A Global Conversation: Exploring Interfaith and International Models for the Interaction of Religion and the State," Emory University Law School, Atlanta, February 2014

Presenter, Public Reason and the Crisis of Conscience, Religious Legal Theory Conference, "A Global

Conversation: Exploring Interfaith and International Models for the Interaction of Religion and the State,” Emory University Law School, Atlanta, February 2014

Presenter and panel chair, Freedom of Conscience: The HHS Mandate and the Pending Hobby Lobby Case, J. Reuben Clark Society Annual Conference, University of Missouri, Kansas City, Missouri, February 2014

Presenter, Law as Interpretation: Cognitive Errors and Logical Fallacies – the Interrelated and Deeply Human Character of Perception and Persuasion, Association of American Law Schools Annual Meeting, Section on Law and Interpretation, New York City, January 2014

2013

Lecture, George Washington’s Revolutionary Conception of Conscience,” J. Reuben Clark Law Society Lunch, Salt Lake City, Utah, December 2013

Presenter, Can Public Reason Accommodate Conscience? At Oxford Symposium on Religious Studies at St. Mary’s Church, Oxford, England, December 2013

Lecture, Comparative Models of Constitutional Regulation of Religion-State Relationships, Myanmar Institute of Theology, Yangon, Myanmar, November 2013

Lecturer, Comparative Business Law, University of Yangon School of Law, Yangon, Myanmar, November 2013

Presenter, Can Public Reason Accommodate Conscience? Chinese Academy of Social Sciences, China Social Science Forum (2013, Religious Studies) – World Religions and the Dialogue of Civilizations, Beijing, China, November 2013

Presenter, Reflections on Chinese Legislation on Law and Religion, Midyear Meeting of the Certificate Training Program on Religion and the Rule of Law, Pu Shi Institute, Peking University, Beijing, China, November 2013

Presenter, Freedom and Security: Beyond the Balancing Metaphor, International Symposium: Fighting Against Terrorism: Balancing Freedom and Security, Justice Academy of Turkey, Istanbul, Turkey, October 2013

Chaired plenary and concurrent sessions at 20<sup>th</sup> Annual International Law and Religion Symposium: Religion and Human Rights, BYU Law School, Provo, Utah, October 2013

Presenter, Cognitive Errors and Logical Fallacies: The Interrelated and Deeply Human Character of Perception and Persuasion, American Association of Appellate Lawyers Annual Meeting, San Diego, California, October 2013

Presenter, The Way Forward: Underserved Clients, Underemployed Lawyers – What Can Law Schools



Do? At Twin Crises in the Law CLE, Utah Law and Justice Center, Salt Lake City, Utah, October 2013

Presenter, Religious Exemptions and the Protection of Conscience, Conference on Rule of Law and Religion in Southeast and Northeast Asia: Situation, Problems, and Resolution, University of Social Sciences and Humanities, Vietnam National University, Ho Chi Minh City, Vietnam, September 2013

Moderated panel, Symposium on Religion and the Rule of Law: Religious Property, Beijing, China, July 2013

Panelist, Hot Topics: The Supreme Court Grants Certiorari in *Town of Greece v. Galloway*, Fourth Annual Law and Religion Roundtable, Stanford Law School, Palo Alto, California, June 2013

Co-Presenter (with Donlu Thayer), Religious Majorities and Restrictions on Religions Freedom, Oxford Journal of Law and Religion Conference on Religious Rights, Religious Challenges, and International Law: Comparative, Legal, and Theological Perspectives – Emerging Trends and Emerging Voices, Harris Manchester College, Oxford University, United Kingdom, June 2013

Presenter, Emerging International Human Rights Baselines for Freedom of Religion,” Master Level Course on Sharia and Human Rights: Background and Core Issues in Contemporary Indonesia, Muhammadiyah University, East Java, Indonesia, June 2013

Presenter, A Tour d’Horizon of the Law and Religion Jurisprudence of the U.S. Supreme Court, Utah Appellate Judges Conference, Salt Lake City, Utah, May 2013

Presenter, The Right to a Fair Trial: Components and Common Mistakes, International Symposium on Human Rights and the Islamic World I: The Case of Iraq, Istanbul, Turkey, May 2013

Presenter/panel chair, International Perspectives on Law and Religion, Religious Legal Theory Conference (RLT IV): Expanding the Conversation, Touro Law Center, New York City, New York, April, 2013

2012

Presenter, Regulating Religion, Religion and the Rule of Law Midyear Workshop, sponsored by Peking University Center for Administrative and Constitutional Law, Pu Shi Institute, Beijing, PRC, December  
Presenter, Issues and Benchmarks for Creating a Legal Framework to Facilitate Religious Charity: A Comparative Perspective, at the China Social Science Forum (2012 – Religious Studies) – Religious Charities and Social Development, sponsored by the Chinese Academy of Social Sciences, Institute of World Religions, Beijing, China, December 2012

Presenter, Regulating Religion: Formal and Informal Mechanisms of State and Social Oversight in an Easy-Entry Registration System – the U.S. Experience,” at Academic Discussion: Moving Forward the Legislative Process, Vietnam national University, University of Social Sciences and the Humanities, Hanoi, Vietnam, December 2012

Helped organize first Certificate Training Program on Religion and the Rule of Law in Vietnam and Southeast Asia, co-sponsored by Vietnam National University, University of Social Sciences and Humanities, Hanoi, Vietnam, November-December, 2012

Presenter, Regulating Religion: Formal and Informal Mechanisms of State and Social Oversight in an Easy-Entry Registration System – the U.S. Experience,” panel on “Faith and Society: Spiritual Reflections in a Global Age,” Beijing Forum 2012, The Harmony of Civilizations and Prosperity for All, co-sponsored by Peking University, Beijing Municipal Commission of Education, and Korea Foundation for Advanced Studies, Peking University, Beijing, PRC, November 2012

Chaired plenary session, 19<sup>th</sup> Annual Symposium, Religion Democracy, and Civil Society, J. Reuben Clark Law School, BYU, Provo, Utah, October 2012

Lecture/Webinar, Accommodating Conscience: The HHS Contraception Mandate and the Problems Arising from General and Neutral Laws, Religious Freedom Discussion Series, BYU Law School, posted on religlaw.org website, September 2012

Presented CLE, Challenges to Freedom of Religion and Belief at Home and Abroad, BYU Law School Law Society/Management Society, Portland, Oregon, September 2012

Presentation on the Work of the International Center for Law and Religion Studies, J. Reuben Clark Law Society, Seattle, Washington, September 2012

Chaired plenary session, Intra party Electoral Systems, The Third Forum on Global Constitutionalism: Comparative Study on Political Parties and Elections, sponsored by the Center for Administrative and Constitutional Law, Peking University, Center for the People’s Congress and Parliamentary Studies, Peking University, Beijing, PRC, July 2012

Presenter, Three Moments for Regulating Religion: Before Registration, At Registration, and After Registration – An Analytical Framework, Conference on Religion and the Rule of Law: Religious Legislation, Communication University of China, Beijing, PRC, July 2012

Helped organized third Summer Certificate Training Program on Religion and the Rule of Law, co-sponsored by Peking University law School’s Center for Administrative and Constitutional Law, China Communications University, and the Pu Shi Institute, July 2012

Attended book launch for Chinese translation of Law and Religion Casebook at Conference on Religion and the Rule of Law: Legislation on Religious Matters, sponsored by MLeague, Communication University of China, School of Politics and Law, Communication University of China, Center for People’s Congress and Parliamentary Studies, Peking University Law School, Pu Shi Institute for Social Sciences, Beijing China, July 2012

Public Lecture, Religious Majorities and Restrictions on Religion, University of Adelaide Law School, sponsored by the Research Unit for the Study of Society, Law and Religion (RUSSLR), Adelaide, Australia, July 2012

Chaired session, Law and Religion Scholarship, Roundtable on Law and Religion in Australia, Australia National University Law School, Canberra, Australia, June 2012

Public Lecture, Accommodating Conscience: The Problems Arising from General and Neutral Laws, Keynote Address for Roundtable on Law and Religion in Australia, Australia National University, Canberra, Australia, June 2012

Helped organize Conference on Religion in Contemporary Society, in Salt Lake City, Provo, and Washington, D.C., co-sponsored by the Center and the Chinese Academy of Social Sciences, Institute of World Religions, May 2012

Presenter, Religious Majorities and Restrictions on Religion (co-written with Donlu Thayer), Conference on Religion in Contemporary Society, co-sponsored by Institute of World Religions, Chinese Academy of Social Sciences, and BYU Law School's International Center for Law and Religion Studies, Washington, D.C., April 2012

Moderator, Religion and Culture: The Place of Small Religious Communities, Conference on Religion in Contemporary Society, Washington, D.C., April 2012

Lecture/Panelist, Secularity versus Secularism: Two Models for the Secular State, Discussion on Secularism and the Protection of Religious Freedom, J. Reuben Clark Law Society, Latham & Watkins, Bishopgate, London, UK, April 2012

Presented paper, The Intersection of Religious Autonomy and Religious Symbols: Setting the Stage, panel discussion, Adjudicating Human Rights Diversely: Church Autonomy and Religious Symbols at the Intersection of Religious and Public Spheres, conference sponsored by the Oxford Journal of Law and Religion, Oxford, England, April 2012 (to be published in Adjudicating Human Rights Diversely, Hart, Oxford, forthcoming 2013)

Lecture, Lincoln the Lawyer: The Intersection of Craftsmanship, Rhetoric, and Practical Wisdom, Annual State and Local Government Conference, Provo, Utah, March 2012

Lecture, Religion and the Rule of Law: Comparative and international Law Perspectives for Contemporary Vietnam, Vietnam National University, University of Social Sciences and Humanities, Hanoi, March 2012

Presentation, The Work of the International Center for Law and Religion Studies, J. Reuben Clark Society lunch, Pocatello, Idaho, February 2012

CLE Lecture, Challenges to Freedom of Religion and Belief at Home and Abroad, at J. Reuben Clark Society dinner in Idaho Falls, Idaho, February 2012

Moderated law school debate sponsored by Federalist Society and American Constitution Society about the Utah State Trooper Memorial Cross Case, BYU Law School, January, 2012

2011

Lecture and Webinar, “The Role of Judges in Determining the Meaning of Religious Symbols: Recent Worldwide Cases and Trends,” International Center for Law and Religion Studies Religious Freedom Discussion Series, co-organized by the Community Service Outreach Committee, J. Reuben Clark Law Society, BYU Law School, October, 2011

Presented paper, “France and the United States: Two Models and Mythologies of Separation of Religion and the State (Neither of Which Involves Separation),” International Congress on Constitutional Law, “Deliberative / Pluralistic Constitution,” sponsored by the by the Boğaziçi Lawyers Association, the bar association of Istanbul, held at Haliç Kongre Merkezi, Istanbul, Turkey, October, 2011 (paper to be published in English and Turkish in book containing selected papers from the conference).

Presented the same paper at a second conference, held at Melikşah University in Kayseri in central Turkey on October 10, 2011.

Moderated Opening Plenary Session, 18<sup>th</sup> Annual International Law and Religion Symposium: Religious Freedom in a Pluralistic Age: Trends, Challenges, and Practices, BYU Law School, October, 2011, and introduced keynote speaker, South African Constitutional Court Justice Zakeria Mohammed Yacoob

Presented paper, “Religion and Equal Treatment in China: History, Contemporary Reality and the Way Forward” (co-written with Professor Liu Peng, Director Pu Shi Institute for Social Sciences, Senior Research Fellow, Institute of American Studies, Chinese Academy of Social Sciences, Beijing, PRC), at concurrent session on China, at 18<sup>th</sup> Annual International Law and Religion Symposium: Religious Freedom in a Pluralistic Age: Trends, Challenges, and Practices, BYU Law School, October, 2011

Presented paper, “Religion and Equal Treatment in China: History, Contemporary Reality and the Way Forward” (co-written with Professor Liu Peng, Director Pu Shi Institute for Social Sciences, Senior Research Fellow, Institute of American Studies, Chinese Academy of Social Sciences, Beijing, PRC), at Second ICLARS (International Consortium of Law and Religion Scholars) Conference, Santiago Chile, September, 2011

Panelist, Law and Religion Journals and Web Presence (discussing the BYU Law Review Symposium issue and Center web sites), at Second ICLARS Conference, Santiago Chile, September, 2011

Co-Presented with Gordon Smith, “Rank and Status Review,” Rocky Mountain Junior Scholars Forum, BYU Law School, September, 2011

Presented paper, “Courts and the Meaning of Religious Symbols,” at Religion and Rule of Law Symposia – the Law and Regulation on Religious Affairs, organized by Peking University Law School’s Center and the Pu Shi Institute, Beijing, China, July 23, 2011 (paper posted on conference website)

Helped organize academic program and taught at 2011 Summer Training Program on Religion and the Rule of Law, sponsored by the Center for Constitutional and Administrative Law, Peking University and the Pu Shi Institute for Social Science, July 17-29, Beijing, PRC (twelve law and religion scholars from six

countries participated in intensive two-week program that taught much of the material in Durham and Scharffs' casebook, Law and Religion)

Co-presented (with Cole Durham), "Law and Religion: Contemporary Controversies and International Issues," at J. Reuben Clark Society interfaith fireside, Melbourne, Australia, July 16, 2011.

Presented paper, "The Meaning of Religious Symbols," at conference, Law and Religion: Legal Regulation of Religious Groups, Organisations and Communities, Melbourne Law School, The University of Melbourne, July 15-16, 2011 (paper posted on conference website; received invitation to publish a revised version as chapter in book about the European Court of Human Rights *Lautsi* case).

Presenter, Law and Religion Conference, Hanoi, Vietnam, June 2011

Presenter, Law and Religion Conference, Indonesia, June 2011

Presenter, Secularity or Secularism: Two Competing Visions for the Relationship between Religion and the State in the New Turkish Constitution, International Congress on Constitutional Law, Istanbul University, Istanbul, Turkey, May 2011, proceedings published online at conference website

Presenter, Secularism and Secularity: Two Competing Frameworks for Constitutional Analysis, International Symposium: Religion and Governance in a Secular State, Amity University Uttar Pradesh, Institute of Advanced Legal Studies, Delhi, India, May 2011 Also chaired a working session and made remarks at opening plenary session

Presenter, The Human Rights Framework for Freedom of Religion and Belief, conference on The Emerging New Constitution in Nepal, Kathmandu, Nepal, May 2011, proceedings published online at conference website

Respondent, Emerging Human Rights Baselines Concerning Freedom of Religion and Belief for Institutions and Individuals, conference on The Emerging New Constitution in Nepal, Kathmandu, Nepal, May 2011, proceedings published online at conference website. Also chaired a working session and made remarks and attended a meeting with the President of Nepal

Lecture, Challenges to Freedom of Religion and Belief in a Global Setting, J. Reuben Clark Society Conference, University of Nevada Las Vegas, Las Vegas, Nevada, March 2011

*Presenter*, Equality in Sheep's Clothing: The Implications of Anti-discrimination Norms for Religious Autonomy, conference on Religion and International Law, Santa Clara University, February 18-19, 2011, proceedings to be published in SANTA CLARA JOURNAL OF INTERNATIONAL LAW.

*Respondent*, 2011 Symposium on Belonging, the Family and Family Law, Brigham Young University Law School, January 28, 2011

2010

*Scheduled Moderator*, Session on Comparative Law and Religion, Religious Legal Theory Conference: Religion in Law, Law in Religion, St. John's University School of Law, November 4-5, 2010

*Moderator*, Legal Dimensions of Human Trafficking, Fifth Annual Social Work Conference, Assisting Victims of Human Trafficking through Research, Policy and Practice, BYU, October 29, 2010.

*Speaker*, On Being Agents Unto Ourselves, Annual Dinner, J. Reuben Clark Law Society, Kansas City Chapter, University of Missouri Kansas City, October 22, 2010

*Lecture*, Equality in Sheep's Clothing: The Implications of Anti-Discrimination Norms for Religious Autonomy, University of Missouri Kansas City Law School, October 22, 2010 (sponsored by The Federalist Society, The Christian Legal Society, and the UMKCLS JRCLS)

*Moderator*, Religion in Contemporary Legal Systems, Seventeenth Annual International Law and Religion Symposium, Brigham Young University Law School, October 3-5, 2010, plenary session, regional session on China

*Presenter*, Emerging International Approaches to Teaching About Religion, International Religious Liberty Association 12<sup>th</sup> Meeting of Experts, Teaching Respect for Religion, Amman, Jordan, September 6-8, 2010.

*Presenter*, Religious Monopolies, Oligopolies and the Transition to a Religious Market Economy, Conference on Law and Religion, Peking University, Beijing, China, August 21-22, 2010, published in Conference Proceedings, reprinted from 32 PEPPERDINE LAW REVIEW 885-943 (2005).

*Roundtable Participant*, Conference on Laicite in Comparative Perspective, St. Johns University School of Law, Paris, France, June 2010, proceedings published in ST. JOHN'S UNIVERSITY LAW SCHOOL JOURNAL OF CATHOLIC LEGAL STUDIES (2010)

*Presenter*, Four Views of the Citadel: The Consequential Distinction Between Secularity and Secularism, Conference on Law and Religion, Oxford University, United Kingdom, June 7-9, 2010, publication pending

*Presenter*, Protecting Religious Freedom: Two Counterintuitive Dialectics in U.S. Free Exercise Jurisprudence, conference on U.S. Constitutionalism in Decline? An International Perspective, Session on Freedom of Religion and Belief, Rothermere American Institute, Oxford University, United Kingdom, April, 2010, publication pending.

*Chair and Moderator*, 2010 Conference of Religiously Affiliated Law Schools, Brigham Young University Law School, March 2010.

*Presenter*, Bills of Rights: Justiciability, Responsibilities and Democratic Dialogue, Conference on Accountability Under Democratic Constitutions, Wilton Park, Wiston House, West Sussex, United Kingdom, February 10-13, 2010.

*Presenter*, Comparative Religion-State Systems, Plenary Session, Religion and the State: Mutual

Autonomy, Permissible Regulation, International Conference on Religion, Law and Governance in South East Asia, International Institute of Advanced Islamic Studies (IAIS) Malaysia, Kuala Lumpur, Malaysia, January 31, 2010, posted on conference web site and in collected conference materials, to be published in journal of conference proceedings and book.

*Chair and Speaker*, An Introduction and History of the Freedom of Religion or Belief Jurisprudence of the European Court of Human Rights, Panel Chair, [Title], Program of the Law and Religion Section, Annual meeting of the Association of American Law Schools, New Orleans, Louisiana, proceedings to be published in the Journal of Law and Religion (forthcoming, Fall 2010)

2009

*Respondent*, Work in Progress by Noel Reynolds, Political Science Department, Brigham Young University, November 2009

*Panelist*, “What Role Should Religious Beliefs Play in the Judicial Decision-making Process?” Orrin G. Hatch Distinguished Trial Lawyer Lecture Series, BYU Law School, Provo, Utah, August 27, 2009 (co-panelists Justice Carol Corrigan, Judge Randy N. Smith, Judge Dee Benson; moderator, Justice Douglas P. Miller)

*Chair*, The Proposed Bill of Rights in Australia, Annual Conference, International Center for Law and Religion Studies, J. Reuben Clark Law School, Brigham Young University, Provo, Utah, October 2009

*Lecture*, Protecting Religious Freedom: Two Counterintuitive Dialectics in U.S. Free Exercise Jurisprudence, University of Adelaide School of Law, Adelaide, Australia, Sponsored by the Research Unit for the Study of Society, Law and Religion (RUSSLR) August 17, 2009 (Prof. W. Cole Durham, Jr. presented joint lecture on Constitutional Models for Church-State Relationships; The Honorable Judge J. Clifford Wallace, Senior Circuit Judge and Chief Judge Emeritus, United States Court of Appeals for the Ninth Circuit, offered a response)

*Official Welcome*, The Prospect of an Australian Constitutional Moment: The Debate About a Bill (or Charter) of Rights, Opening Dinner, Conference on Cultural and Religious Freedoms under a Bill of Rights, Old Parliament House, Canberra, ACT, Australia, August 13-15 (published electronically on CD of Collected Conference Papers) (conference organizer Paul Babie, Director of the Research Unit for the Study of Society, Law and Religion (RUSSLR), Associate Dean (Research), Adelaide Law School also gave an introduction; after dinner speaker, Sir Anthony Mason, AC, KBE, QC, former Chief Justice of Australia)

*Panelist/Paper Presentation*, Session Two: North American Perspectives on Religious and Cultural Freedoms under Bills and Charters of Rights, Protecting Religious Freedom: Two Counterintuitive Dialectics in U.S. Free Exercise Jurisprudence, (Chair, Dr. Paul Babie, co-panelists: Frank Ravitch, Michigan State University College of Law; Associate Professor Robert Blitt, College of Law, University of Tennessee), Conference on Cultural Religious and Cultural Freedom under a Bill of Rights, Old Parliament House, Canberra, ACT, Australia, August 13-15 (published electronically on CD of Collected Conference Papers)

*Panel Chair*, Fifth Session, Parallel Paper Session B, Constitutional Issues Conference on Religious and Cultural Freedom under a Bill of Rights, Canberra, ACT, Australia, August 2009 (Panelists: Meg Wallace, Renae Barker, Neil Foster, Rocco Mimmo)

*Presenter*, A Proposal for Teaching Human Rights and Religious Freedom in High Schools, 16<sup>th</sup> Annual Education and Law Conference, University of Southern Maine, University of Maine School of Law, Portland, Maine, July 2009 (published online by the The West Education Network (TWEN))

*Moderator and Presenter*, Cyberspace and the Schoolhouse Gate: A Framework for Evaluating the Regulation of Sexting, Cyberbullying, Hate Speech and Other Online Student Speech (with Kenneth R. Pike, J.D. BYU Law School, PhD candidate Arizona State University), Keynote Workshop, 16<sup>th</sup> Annual Education and Law Conference, University of Southern Maine, University of Maine School of Law, Portland, Maine, July 2009 (published online by The West Education Network (TWEN))

*Moderator*, Oh What a Tangled Web, Keynote Role-play on Student Speech Issues (with Peggy McAllister, Executive Director, new Hampshire School Principals Association, Concord, N.H.; Peter D. Lowe, Esq., Brann & Isaacson, Lewiston, M.E.; Kenneth R. Pike, J.D. BYU Law School, candidate PhD in Philosophy, Arizona State University; Kristen Blanchette, Franklin Pierce Law Center), 16<sup>th</sup> Annual Education and Law Conference, University of Southern Maine, University of Maine School of Law, Portland, Maine, July 2009

*Devotional Speaker*, The Most Important Three Things in The World, BYU Campus Devotional, Provo, Utah, May 2009 (published online by BYU, in the Clark Memorandum, and in BYU Speeches 2009-10)

*Presenter*, Comparative Models for Transitioning from Religious to Civil Marriage Systems in Light of International Human Rights Norms, Family Law in a Multicultural Environment: Civil and Religious Law in Family Matters, International Society of Family Law Regional Conference, Bar-Ilan University School of Law, Centre for the Rights of the Child and the Family, Sha-arei Mishpat Law College, Tel-Aviv, Israel, June 2009 (article, co-written with Suzanne Disparte, ICLRS, to be published in the Journal of Law and Family Studies, University of Utah, 2010)

*Scheduled Presenter*, Religion in the Schools: An Update on Current Issues and Trends (with Frank S. Ravitch, Professor of Law, Michigan State University College of Law), Seventh Commonwealth Education Law Conference, Critical Issues in Education Law and Policy, Norfolk, Virginia, April 2009 (article published in conference proceedings by LexisNexis, 2009, forthcoming)

*Scheduled Presenter*, Cyberbullying and the Schoolhouse Gate: A Framework for Evaluating the Regulation of Online Student Speech (with Kenneth R. Pike, BYU Law School, J.D. 2009), Seventh Commonwealth Education Law Conference, Critical Issues in Education Law and Policy, Norfolk, Virginia, April 2009 (article published in conference proceedings, by LexisNexis, 2009, forthcoming)

*Presenter*, Creation and Preservation in the Constitution of Civil Religion, Symposium, Conference on "Civil Religion" in the United States and Europe: Four Comparative Perspectives, J. Reuben Clark Law School, Brigham Young University, Provo, Utah, March 2009 (published in conference proceedings, The George Washington International Law Review, 2011)



*Lecture*, From Identification to Secularism: Comparative Constitutional Law Approaches to Law and Religion, Tribhuvan University Faculty of Law, Kathmandu, Nepal, February 2009 (article co-written with W. Cole Durham, Jr. in TRIBUHAVEN UNIVERSITY LAW REVIEW (National University of Nepal, 2009

*Response*, Human Rights and Secularism Panel, International Conference on the Constitution Making of Nepal, Park Village Hotel and Resort, Kathmandu, Nepal, February 2009 (published on conference web site)

*Co-Chair* (with Mohan Banjade), Federalism Panel, International Conference on the Constitution Making of Nepal, Park Village Hotel and Resort, Kathmandu, Nepal, February 2009

*Co-Chair* (with Chitra Lekha Yadav, General Human Rights Issues Panel, International Conference on the Constitution Making of Nepal, Park Village Hotel and Resort, Kathmandu, Nepal, February 2009

*Presenter*, Collaborations in Law and Religion Scholarship, Advisory Board Meeting, International Center for Law and Religion Studies, First ICLARS Congress on “Relations Between States and Religions: Patterns in the 21<sup>st</sup> Century,” University of Milan, Milan, Italy, January 2009

2008

*Presenter*, The Value of Religious Freedom, Pacific Futures Law, Culture and Religion Symposium, National University of Samoa, Apia, Samoa, December 2008

*Presenter*, The Human Rights Framework for Freedom of Religion and Belief, Pacific Futures Law, Culture and Religion Symposium, Le Lagon Resort, Port Vila, Vanuatu, December 2008

*Moderator*, Panel Discussion, U.S. Foreign Policy on International Religious Freedom, Law and Religion Symposium, Washington, D.C., October 2008

*Moderator*, Second Plenary Session, Emerging Challenges: Regional Perspectives, International Protection of Religious Freedom: National Implementation, 15<sup>th</sup> Annual Law and Religion Symposium, BYU Law School, Provo, Utah, October 2008

*Presenter*, A Framework for Evaluating Fiduciary Duties, Utah Appellate Judges Conference, Park City, Utah, June 2008

*Presenter*, Comparative Approaches to Legislation Concerning Law and Religion, Conference on Religion and the Rule of Law: The Legal System and Religion in a Harmonious Society, The Institute of World Religions, Chinese Academy of Social Sciences, Beijing, China, May 30 – June 1, 2008 (published in conference proceedings)

*Presenter*, Responding to the Competing Claims of State Security and Religious Autonomy, Conference on Religious Liberty as a Means of Increasing Religious Tolerance, The Mongolian Counsel on Religious Affairs, International Religious Liberty Association, Ulaanbaatar, Mongolia, May 2008 (to be published

in Mongolia)

*Presenter*, Forging Cooperative Relationships, Delegation of Chinese Judges, BYU Law School, April 2008

*Presenter*, A Proposal for Teaching Human Rights and Religious Freedom in High Schools (with Isabelle Kinnard, Vice President for Education, Council for America's First Freedom), Sixth Commonwealth Education Law Conference, Richmond, Virginia, April 2008 (published in conference book)

*Presenter*, Navigating the Treacherous Waters of Religion in the Schools: An Update (with Kristi L. Bowman, Michigan State University College of Law), Sixth Commonwealth Education Law Conference, Richmond, Virginia, April 2008 (published in conference book)

*Panelist/Presenter*, The Freedom and Equality Dialectic in the Domain of Law and Religion: U.S. and International Perspectives, The Williamsburg Charter Revisited: Significant Developments in Law and Religion in the Past Twenty Years, William & Mary University Law School, Williamsburg, Virginia, April 2008 (to be published in William & Mary Bill of Rights Journal)

*Presenter*, Freedom and Equality Orientations in the Domain of Law and Religion, State Religion and Law In and Beyond South Asia: Comparative Perspectives, New Delhi, India, February 2008 (to be published in India in book of conference proceedings)

2007

*Presenter*, International Human Rights Norms Governing Religious Freedom, Visiting Delegation from Tajikistan, Brigham Young University Law School, December 2007

*Presenter*, Education Law Association, 53<sup>rd</sup> Annual Conference, Education and Society: Accountability, Safety, and Climate, San Diego, California, November, 2007

*Presenter*, School Reform, Diversity in Education and in the Profession: What ELA Can Do To Help, Education Law Association, Education and Society: Accountability, Safety & Climate, 53<sup>rd</sup> Annual Conference, San Diego, California, November 2007

*Presenter*, Charitable and Economic Activities of Religious Groups, International Conference on Religion and the Rule of Law in Southeast Asia: Continuing the Discussion, Hanoi, Vietnam, November 2007

*Panelist*, Expert's Meeting, Chinese Ministry of Civil Affairs Delegation on Chinese Charity Law, Workshop on the Drafting of China's First Charity Law, Yale Law School, New Haven, Connecticut, October 2007

*Participant/Panelist*, China Ministry of Civil Affairs Expert Working Group Conference, Meetings at International Center for Not-For-Profit Law (ICNL), Caplin & Drysdale, Internal Revenue Service, Washington, D.C., October 2007

*Panelist*, Disposition of Assets Upon Dissolution of Charitable Organizations, China Ministry of Civil Affairs Expert Working Group Conference, Salt Lake City, Utah, October 2007

*Panelist*, Relationships Between Religion and Charitable Giving, China Ministry of Civil Affairs Expert Working Group Conference, BYU Law School, October 2007

*Chair*, Japan and Mongolia Panel, Religion, Identity and Stability: Legal Challenges of Religious Difference, International Law and Religion Symposium, Brigham Young University, Provo, Utah, October 2007

*Moderator/Presenter*, Elementary School Mentoring Programs, Wingspread VIII Pipeline Conference, Texas Wesleyan University School of Law, Fort Worth, Texas, October 2007

*Lecture*, The Rising Tide of Educator Duties, Continuing Legal Education Conference, Portland, Maine, July 2007

*Presenter*, The Rising Tide of Educator Duties, Education Law Conference, Portland, Maine, July 2007

*Presenter*, Religion Goes to School, Education Law Conference, Portland, Maine, July 2007

*Panelist*, Plenary Session, Supreme Court Update, Education Law Conference, Portland, Maine, July 2007

*Panelist*, Collaborative Mentoring Programs, Wingspread VII, University of Hawaii Law School, Honolulu, Hawaii, June 2007

*Presenter*, The Integration of Federal, State and Informal Mechanisms in the Regulation of Charities in the United States, International Symposium on Charity Legislation of China, The Legislative Affairs Office of the Ministry of Civil Affairs, Beijing, China, June 2007

*Group Reporter*, General Session, International Symposium on Charity Legislation of China, The Legislative Affairs Office of the Ministry of Civil Affairs, Beijing, China, June 2007

*Presenter*, Fiduciary Duties of Educators, Commonwealth Education Law Conference, Williamsburg, Virginia, April, 2007

*Presenter*, Religion in Public Schools: An Update, Commonwealth Education Law Conference, Williamsburg, Virginia, April 2007

2006

*Presenter*, Responding to the Competing Claims of State Security and Religious Autonomy, Session 4, Balancing State Security and Religious Autonomy, 2006 Conference on Law and Religion in Transitional Societies: Comparative Approaches to the Rule of Law, Holmenkollen Park Hotel Rica, Oslo Norway, December, 2006 (published in English and Chinese in book of conference proceedings; PowerPoint in

English and Chinese provided electronically to conference participants).

*Foreign Co-Chair*, Internal Governance Issues, International Expert Consultation on Charity Law, International Charity Law Comparative Seminar, Zhongmin Plaza Hotel, Beijing, Peoples Republic of China, October, 2006

*Initial Foreign Respondent*, Volunteerism, International Expert Consultation on Charity Law, International Charity Law Comparative Seminar, Zhongmin Plaza Hotel, Beijing, Peoples Republic of China, October, 2006

*Foreign Co-Chair*, Recognizing Charitable Organizations, International Expert Consultation on Charity Law, International Charity Law Comparative Seminar, Zhongmin Plaza Hotel, Beijing, Peoples Republic of China, October, 2006

*Presenter*, Collaborate Strategies for Addressing the Crisis of Minority Under-Representation in the Legal Profession, Education Law Association 52<sup>nd</sup> Annual Conference, Accountability and Equal Opportunity on the Line, Paradise Island, Bahamas, October, 2006 (published on conference CD and in online conference proceedings)

*Panelist*, The 1981 U.N. Declaration on Religious Tolerance and Non-Discrimination: Implementing Its Principles After 25 Years, New York City, New York, October, 2006

*Panel Chair*, Japan and Korea, The 1981 U.N. Declaration on Religious Tolerance and Non-Discrimination: Implementing Its Principles After 25 Years, Provo, Utah, October, 2006

*Presenter*, Historical Perspectives on Religion and the Rule of Law in Southeast Asia, Session 1, Historical Experiences of Southeast Asian Countries, Beginning the Conversation: Religion and the Rule of Law in Southeast Asia, An International Academic Conference, Hanoi, Vietnam, September, 2006 (power point presentation in English and Vietnamese provided digitally to conference participants).

*Presenter*, The Intelligent Design Debate: Religious Expression in Public Schools: An Update, Maine Education Law Conference, Concord Maine (with Professor Frank Ravitch, Michigan State University Law School) (published in online conference proceedings), July, 2006

*Presenter*, It's All About the Pizza: Mentoring Works (with Professor Sarah Redfield, Franklin Pierce Law Center), 13<sup>th</sup> Annual Education Law Conference, University of Southern Maine, Concord Maine (published in online conference proceedings), July 2006

*Representative*, J. Reuben Clark Law School, Annual Meeting of the American Society of Comparative Law, Utrecht University, Utrecht, The Netherlands, July 2006

*Representative*, XVIIth Congress of the International Academy of Comparative Law, University of Utrecht, Utrecht, The Netherlands, July 2006

*Consultation*, Charity Law, Ministry of Civil Affairs, China Charity Federation, Beijing University, Beijing, China, June, 2006

*Lecture*, Law and Logic for Appellate Advocates, Continuing Legal Education Seminar, Appellate Litigation Section, Utah State Bar, Salt Lake City, Utah, June, 2006

*Roundtable Leader*, Mentoring Strategies, Wingspread IV, Engaging Law Schools, Bench and Bar for Greater Diversity in the Legal Profession, Cleveland-Marshall College of Law, Cleveland State University, Cleveland, Ohio, May, 2006

*Roundtable Participant*, We are All a Religious Minority: Implications of Acting as if We Really Believed this Truth, Panel Three: Law, Constitutions, and Rights: Local Utah Issues, in conjunction with Massachusetts Supreme Court Chief Justice Margaret H. Marshall's Tanner Lecture in Human Values, "Tension and Intention: The American Constitutions and the Shaping of Democracies Abroad," University of Utah, Salt Lake City, Utah, March, 2006

*Presenter*, Student Aspiration and Achievement: Working in Partnership Along the Pipeline from Preschool to Professional School, 4<sup>th</sup> Commonwealth Education Law Conference, Commonwealth Educational Policy Institute and Franklin Pierce Law Center, Charlottesville, Virginia (with Professor Sarah Redfield, Franklin Pierce Law Center) (published in book of conference proceedings), March, 2006

*Presenter*, Religion in Public Schools: An Update, 4<sup>th</sup> Commonwealth Education Law Conference, Commonwealth Educational Policy Institute and Franklin Pierce Law Center, Charlottesville, Virginia (with Professor Frank Ravitch, Michigan State University Law School) (published in book of conference proceedings), March, 2006

*Scheduled Presenter/Panelist*, The Ideologies of Separation of Church and State, Law, Culture and Humanities Conference (with Professor Frank Ravitch, Michigan State University Law School), March, 2006 (trip canceled due to illness).

*Lecture*, Governance, Duty, and Accountability: Oversight in Non-Profit Organizations in the United States, First National Training Course for Senior Chinese Charity Officials, Xinchang, Zhejiang, China (published in book of conference proceedings), February, 2006

*Welcome Address*, First National Training Course for Senior Chinese Charity Officials, Xinchang, Zhejiang, China, February, 2006

*Panelist*, Mentoring, AALS Executive Committee Program, K-20 Educational Pipeline Initiatives, Annual Meeting, Association of American Law Schools, Washington, D.C., January, 2006

*Chair*, Section on Law and Religion, Association of American Law Schools Annual Meeting, Washington, D.C., January, 2006

2005

*Panelist*, It's all about the Pizza: Strategies for Youth Mentoring by Law Schools, Education Law

Association Annual Meeting, Memphis, Tennessee (with Professor Sarah Redfield, Franklin Pierce Law Center), November, 2005

*Panelist*, The Challenges of our Constitutional Framework in Resolving Religious Conflict, Utah State Bar Section on Constitutional Law, Workshops on Civic Learning and Engagement, Utah State Bar Law and Justice Center, Salt Lake City, Utah, November, 2005

*Presenter*, Law and Logical Error, 13<sup>th</sup> Annual CLE and Professional Responsibility Seminar, State of Utah Office of the Attorney General, Salt Lake City, Utah, November, 2005

*Presenter*, Law and Logical Error, Central State Association of Law Schools Annual Meeting, Michigan State University, East Lansing, Michigan, November, 2005

*Participant*, 2005 Annual Meeting, American Society of Comparative Law, Honolulu, Hawaii, October 2005

*Participant*, Law and Religion in the United States: Perspectives for an International Audience, The Fifteenth Annual International Law and Religion Symposium, Columbus School of Law, The Catholic University of America, Washington, D.C., October, 2005

*Presenter*, The State and Religious Communities in the United States, Third International Comparative Law Conference, Tokyo, Japan, September 2005 (with W. Cole Durham, Jr.); published in book of conference proceedings

*Presenter*, Educators' Fiduciary Duties, Maine Education Law Conference, Maine, July 2005; published in book of conference proceedings

*Presenter*, Facilitating Freedom of Religion in China: The New Regulations on Religious Affairs; Briefing before the U.S. Commission on International Religious Freedom, Salt Lake City, Utah, June 2005 (with W. Cole Durham, Jr.)

*Presenter*, Creating Collaborative Programs for Mentoring Youth, Virginia Education Law Conference, Commonwealth Educational Policy Institute and Franklin Pierce Law Center, Richmond, Virginia, April 2005 (with Betsy Fowler)

*Presenter*, The Competing Claims of Rules and Balancing, Utah Appellate Judges Conference, Moab, Utah, April 2005

2004

*Lecture*, A Comparative Analysis of the Philosophical Basis of Rules and Balancing in the Law, Nanjing Agricultural University School of Law, Nanjing, Peoples Republic of China, October 2004

*Lecture*, The Competing Claims of Rules and Balancing, Anhui University of Finance and Economics, 45<sup>th</sup> University Anniversary Lecture, Bengbu City, Anhui Province, Peoples Republic of China, October 2004

*Lecture*, The Competing Claims of Rules and Balancing, Su Qian Court, Su Qian Province, Peoples Republic of China, October 2004 [canceled day before lecture due to Peoples Republic of China national government imposition of restrictions on all judicial exchanges in response to U.S. legislation regarding China]

*Co-Chair*, Comparative Structures: Types of Legal Entities for Charities, Plenary Session of the First International Charity Law Comparative Seminar, Beijing, Peoples Republic of China, October 2004

*Panelist*, Comparative Governance and Accountability of Charitable Entities, Plenary Session of the First International Charity Law Comparative Seminar, Beijing, Peoples Republic of China, October 2004

*Co-Chair*, Foreign Models of Charity Law and Identification of Key Issues for Discussion, Discussion Group, the First International Charity Law Comparative Seminar, Beijing, Peoples Republic of China, October 2004

*Co-Chair*, Governance, Regulation, and Accountability, and Identification of Additional Needs and Collaboration, Discussion Group, the First International Charity Law Comparative Seminar, Beijing, Peoples Republic of China, October 2004

*Presenter*, Church and State Update 2004, What is China's Attitude Toward Tolerance of Religious Freedom?, J. Reuben Clark Law Society, Honolulu, Hawaii, October 2004

*Panelist*, Faculty Round Table, The Future of Religion in China, Delegation of Chinese Academy of Social Sciences Scholars and Department of Religious Affairs Officials, BYU-Hawaii, La'ie, Hawaii, October 2004

*Presenter*, Law and Logical Error: Why Lawyers Must Be Illogical, BYU-Hawaii, Pre-Law Society, La'ie, Hawaii, October 2004

*Moderator*, Third Plenary Session: "Regional Approaches to Religion in the Public Sphere," The Eleventh Annual International Law and Religion Symposium, Religion in the Public Sphere: Challenges and Opportunities, BYU Law School, Provo, Utah, October 2004

*Lecture*, Appellate Decision Making: An Individual or Collective Craft, 28<sup>th</sup> Annual Seminar of the Council of Appellate Staff Attorneys, Park City, Utah, July 2004

*Presenter*, Reconceptualizing the Fiduciary Duties of Educators, Virginia Education Law Conference, Commonwealth Educational Policy Institute and Franklin Pierce Law Center, Richmond, Virginia, April 2004 (with John W. Welch)

*Presenter*, Key Terminology for Transnational Legal Dialogue About Religion, Conference on Religion and Traditional Culture in China, Brigham Young University Hawaii, La'ie, Hawaii, March 2004

*Lecture*, The Relationship of Practical Wisdom, Rhetoric, and Craft: An Aristotelean Account of the Character of Legal Reasoning, Brigham Young University Hawaii Pre-Law Society, La'ie, Hawaii, March

2004

*Lecture*, Is The Pledge of Allegiance an Unconstitutional Establishment of Religion?, Brigham Young University Hawaii, La'ie, Hawaii, March 2004

*Moderator*, Panel Discussion, The Future of Religion in China, Honors Forum, Brigham Young University Hawaii, La'ie, Hawaii, March 2004

*Presenter*, Law and Logical Error, Utah Appellate Judges Conference, St. George, Utah, March 2004

*Program Chair/Moderator*, One Nation Under God? Unity, Diversity, and Neutrality Under the Religion Clauses, Law and Religion Section, 2004 Annual Meeting of the Association of American Law Schools, Atlanta Georgia, January 2004

2003

*Lecture and Panel Discussion*, Appellate Judging as a Craft, Joint Canadian – United States Appellate Judges Association, featured presentation, small group discussions, and panel discussion, Victoria, British Columbia, October 2003

*Panelist*, Research Handbook on Law and Policy on Religious Freedom in China, Conference on Globalization and Chinese Popular Culture, Center for Social Development, Fudan University, Shanghai, Peoples Republic of China, September 2003.

*Lecture*, A Philosophical Analysis of Legal Reasoning, Nanjing Agricultural University Law School, Nanjing, Peoples Republic of China, September 2003.

*Lecture*, The Character of Judicial Reasoning, Visiting Delegation of PRC Higher Appellate Court Judges, Brigham Young University, August 2003

*Presenter*, The Character of Judicial Reasoning, Utah Appellate Judges Conference, Salt Lake City, Utah, May 2003

*Presenter*, The Autonomy of Church and State: The Case of Public and Parochial Schools, Virginia Education Law Conference, Commonwealth Educational Policy Institute and Franklin Pierce Law Center, Williamsburg, Virginia, April 2003

*Lecture*, Law and Logical Error, University of South Africa (UNISA) Law School, February 2003

*Lecture*, Towards an Aristotelean Conception of Legal Reasoning, Rand Afrikaans University (RAU) Law School, Johannesburg, South Africa, February 2003

*Lecture*, Law as Craft, Stellenbosch Law School, Stellenbosch, South Africa, January 2003

*Lecture*, The Autonomy of Church and State: A Comparative Analysis of the Religious Liberty



Jurisprudence of the European Court of Human Rights and the United States Supreme Court, University of Stellenbosch, Stellenbosch, South Africa, January 2003

2002

*Presenter*, The Protection of Religious Liberty by the European Court of Human Rights and the United States Supreme Court: A Comparative Analysis, Oxford Round Table, Lincoln College, Oxford University, August 2002 (forthcoming as chapter in book on human rights to be published by McGill University Press)

*Presenter*, National Report, Applicability of Human Rights Standards to Private Corporations: An American Perspective, Quadrennial Congress of the International Academy of Comparative Law, University of Queensland, Brisbane, Australia, July 2002 (published in THE AMERICAN JOURNAL OF COMPARATIVE LAW)

*Presenter*, The Right Under International Law to Engage in Religious Persuasion, United States Library of Congress Conference on Religious Liberty, BYU, June 2002

*Presenter*, Law and Logical Error, work-in-progress presentation to faculty of the U.C. Davis Law School, March 2002

2001

*Chair*, Panel Discussion, Religious Liberty Issues, International Law and Religion Conference, BYU, October 2001

*Presenter*, Law as Craft, Institute for Humane Studies, day-long work-in-progress seminar devoted to my paper, George Mason University Law School, July 2001 (published in VANDERBILT LAW REVIEW)

*Presenter*, The Judicial Craft, Stanford-Yale Junior Faculty Forum, Stanford Law School, June 2001 (published as *Law as Craft* in VANDERBILT LAW REVIEW; also published on-line as *The Judicial Craft* on the Social Sciences Research Network)

2000

*Presenter*, Proselytism and Religious Liberty, Library of Congress Conference on Religious Liberty, BYU, July 2000

*Lecture*, Ethical Lawyering, Eighteenth Annual State and Local Government Conference, Provo, Utah, March 2000

1999

*Presenter*, The Significance of Religious Liberty as a Fundamental Human Right, Visiting Russian Delegation, BYU, September 1999

*Convener of Lecture*, American Society of International Law Conference, Washington, D.C., March 1999

*Panel Chair*, International Church-State Symposium, BYU, October 1999

1998

*Panel Chair*, International Perspectives on Religious Liberty During the Fiftieth Anniversary of the Universal Declaration of Human Rights, BYU, October 1998

## **SELECT PRESENTATIONS AT BYU**

Participated in Religious Freedom in a Secular World: Continuing Legal Education Conference, BYU Conference Center, (Moderator, Hobby Lobby and Conscientious Objection; Moderator, Religion and Education; Panelist, Establishment Clause Jurisprudence: Current issues (spoke about recent town council prayer case, Greece v. Galloway); Presenter, Freedom of Religion or Belief: Overview of International Instruments and Institutions; Presenter, International Registration and Protection of Religious Associations), Provo, Utah, July 2014

*World of Law Lecture*, Law and Religion, BYU Law School, March 2014

*Guest Lecturer*, International Legal Issues Affecting Engineers, Department of Mechanical Engineering, BYU, March, 2006

*Introduction and Host*, Anthony T. Kronman, Sterling Professor of Law and former Dean, Yale Law School, BYU Law School First Annual Distinguished Lecture, Is the Meaning of Life Academic?, J. Reuben Clark Law School, BYU, February, 2006

*Moderator*, Concurrent Regional Session on Asia, The Twelfth Annual International Law and Religion Symposium, Religion and the World's Legal Traditions, J. Reuben Clark Law School, BYU, October 2005

*Guest Lecturer*, Transnational Lawyering in Japan and China, Department of Mechanical Engineering, BYU, April 2005

*Presenter*, Three Assumptions Lawyers Must Never Make, Spirit of the Law, BYU Law School (published in THE CLARK MEMORANDUM), March 2005

*Presenter*, Microenterprise and the Law: The Increasing Risks of Flying Under the Radar, BYU Center for Economic Self-Reliance, Marriott School of Business (with Aaron Miller), January 2005

*Panelist*, Practicing Corporate Law, BYU Law Fair, October 2004

*Presenter*, The Autonomy of Church and State: Theoretical Foundations of Church Autonomy, BYU Law School Conference on Religious Group Autonomy (published in BYU LAW REVIEW), February 2004

*Moderator*, Plenary Session on Regional Issues in Law and Religion, Tenth Annual International Law and Religion Symposium, Religious Pluralism, Difference, and Social Stability, Brigham Young University, October 2003

*Panelist*, Emerging International Efforts to Combat Corruption: Sea Change or Passing Squall?, BYU International Society Panel Presentation, Legal and Ethical Considerations in an International Setting (published in book of conference proceedings), August 2003

*Panelist*, International Law and Laying the Groundwork for War in Iraq: United Nations Security Council Resolution 1441, David M. Kennedy Center for International Studies, Countdown Iraq: A Spectrum of Informed Opinion, November 2002

*Presenter*, Mentoring and Being Mentored, Spanish Fork Rotary Club, November 2002

*Lecture*, In Praise of Advocacy, Regional Moot Court Competition, Keynote Dinner Speaker, BYU Law School, November 2002

*Lecture*, Three Degrees of Charity: Serving the Best Interests of Your Clients, Continuing Legal Ethics Presentation, Continuing Legal Education Conference, BYU Law School, October 2002

*Moderator*, The British Commonwealth, New Impulses in the Interaction of Law and Religion, BYU International Center for Law & Religion Studies, BYU Law School, October 2002

*Presenter*, Truth and Paradox, Spirit of the Law Gospel Discussion Series, BYU Law School, October 2002

*Session Leader*, Reagan II Panel (Charles Fried, Donald B. Ayer, Thomas W. Merrill), Rex E. Lee Conference on the Office of the Solicitor General of the United States, BYU, September 2002

*Lecture and Discussion*, We are All a Minority: Religious Liberty on the Anniversary of 9/11, Visiting Delegation of Shinto Priests and Students from Meiji Jingu Shrine, Meiji Jingu Shinto Research Institute, Tokyo, Japan, BYU International Center for Law & Religion Studies, September 2002

*Presenter*, As Natural as Breathing: Lawyering and Community Service, J. Reuben Clark Law Society, Meeting of Chapter Chairs, BYU, September 2002

*Presenter*, Three Degrees of Charity, Spirit of the Law Presentation, BYU Law School, September 2001

*Panelist*, Supreme Court Jurisprudence, Panel Discussion, Federalist Society, BYU Law School, October 2000

*Presenter*, Faith and Reason, Spirit of the Law Presentation, BYU Law School, September 2000

*Presenter*, Mediating Pride and Despair, Spirit of the Law Presentation, BYU Law School, February 2000

*Respondent*, Doing the Megamerger, Board of Visitors Presentation by David Colton, General Counsel, Phelps Dodge Corporation, BYU Law School, January 2000

*Co-presenter* (with Deirdre M. C. Scharffs), He said / She Said: Perspectives on Making the Most of Law School, Law Partners Association, BYU Law School, September 1998

*Panelist*, The Rule of Law, Science Fiction Symposium, BYU, March 1998

## **ADVOCACY**

Counsel of Record and co-author of amicus brief filed in U.S. Supreme Court in Support of Certiorari and Opposing a Ruling Based on Voters' Motivations, *Herbert v. Kitchen* (Utah same-sex marriage case)

(brief of scholars on both sides of the issue of whether the fourteenth Amendment requires states to recognize same-sex unions as marriages, but who agree that the court should not attribute animus to legislators and voters who enacted laws defining marriage as between a man and a woman),  
September 2014

Counsel of Record in amicus brief filed in 10<sup>th</sup> Circuit in *Kitchen v. Herbert* by scholars both opposed to and in favor of same-sex marriage, urging court not to utilize animus as rationale, February 2014

Co-authored amicus brief in defense of petitions in the Supreme Court contraception mandate cases, *Sebelius v. Hobby Lobby Stores, Inc.* and *Conestoga Wood Specialties Corp v. Sebelius*, in defense of individual and corporate conscience, January 2014

Co-authored amicus brief in Supreme Court ministerial exemption case, *Hosanna Tabor v EEOC*, 2013

### **SERVICE ACTIVITIES**

Human Rights Resource Center, Indonesia

International Expert Adviser, *Keeping the Faith: A Study of Freedom of Thought, Conscience, and Religion in ASEAN*, Human Rights Resource Center, University of Indonesia, 2014-15

Rhodes Scholarship Selection Committee

Wyoming State Committee Member, 1998, 1999, 2000

Utah State Committee Member, 2003, 2004

Association of American Law Schools

Section on Law and Religion

Program Chair, 2002-03

Secretary and Chair-Elect, 2003-04

Section Chair, 2004-05

Section on Law and Interpretation

Secretary, 2012-13

Chair-Elect, 2013-14

Chair, 2014-15

Executive Committee, 2015-16

Section on International Human Rights

Executive Committee, 2015-16

Nanjing Agricultural University, Nanjing, China

International Advisor for the Department of Law, College of Humanities and Social Sciences

September 2003 – present

University of Adelaide School of Law Research Unit for the Study of Society, Law and Religion

Academic Advisory Board member

2009 - present

## Church of Jesus Christ of Latter-day Saints

### BYU First Stake

First counselor, BYU 51<sup>st</sup> Ward, 1997-98

Bishop, BYU 130<sup>th</sup> Ward, 1998-2003

### Hobble Creek Stake,

Gospel Doctrine Teacher, Hobble Creek 11<sup>th</sup> Ward, 2004-11

Sunday School Teacher, Hobble Creek 11<sup>th</sup> Ward 16-17 year olds, 2011-2014

### Edgemont Stake,

Gospel Doctrine Teacher, Edgemont 6<sup>th</sup> Ward, 2014-present

## Manuscript Peer Review

Oxford University Press book on religious property, November 2014

Cambridge University Press book proposal on Religion, Charity and Human Rights, November 2013

Harvard University Press book proposal, January 2012

Journal of Law and Religion, article, March 2012

Oxford University Press, book proposal, April 2012

## External Peer Tenure Reviews

2015 (multiple)

2014 (multiple)

2013

2012

2011

## **PERSONAL**

Married: Deirdre Mason Crane Scharffs

Children: Elliot Woodrow Scharffs (age 21)

Sophelia Fielding Scharffs (age 18)

Ella Mason Scharffs (age 15)

## **ACTIVITIES AND INTERESTS**

Sculpting, reading and writing children's literature, playing golf, skiing, poetry and Japanese cooking