2008

The Williamsburg Charter Revisited: Significant Developments in Law and Religion Since 1988 (Program)

Institute of Bill of Rights Law at The College of William & Mary School of Law

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THE WILLIAMSBURG CHARTER REVISITED: SIGNIFICANT DEVELOPMENTS IN LAW AND RELIGION SINCE 1988

A Symposium Presented by the J. Reuben Clark Law Society and The Institute of Bill of Rights Law

Friday April 18th, 2008
1-4pm
Hosted by the William & Mary School of Law

The symposium is open to the public
1 CLE credit available to attendees (approval pending)
Program:

1:00 p.m.   Lynda Butler
            Welcome and Introductions

1:10        Prof. William Van Alstyne
            After Two Decades of Supreme Court Drift and Divisions, Can the "Centre Hold" (and, indeed, What does that Mean)?

1:35        Prof. Thomas Berg
            The Most Significant Developments in Law and Religion in the U.S. in the Past 20 Years

2:00        Break

2:10        Prof. Brett Scharffs
            The Freedom and Equality Dialectic in the Domain of Law and Religion: U.S. and International Perspectives

2:35        Gene C. Schaerr
            Institutional Religious Freedom in the United States In The Wake of The Williamsburg Charter

3:00        Break

3:10        Panel Discussion
            Questions & Answer Session

4:00        Symposium Concludes
Distinguished Panelists:

Prof. William Van Alstyne: William & Mary School of Law, The College of William & Mary

Professor Van Alstyne was appointed Lee Professor of Law at the Marshall-Wythe Law School at the College of William and Mary in 2004. He is a graduate of the University of Southern California (B.A. in philosophy, magna cum laude) and Stanford University Law School (J.D., Articles and Book Review Editor of The Stanford Law Review). Following his admission to the California Bar and brief service as Deputy Attorney General of California, he joined the Civil Rights Division of the U.S. Department of Justice handling voting rights cases in the South. After active duty with the U.S. Air Force, he was appointed to the law faculty of the Ohio State University, advancing to full professor in three years. Appointed to the Duke law faculty shortly thereafter, he was named to the William R. & Thomas S. Perkins Chair of Law in 1974.

Professor Van Alstyne's professional writings have appeared during four decades in the principal law journals in the United States, with frequent republication in foreign journals. They address virtually every major subject in the field of constitutional law. His work has been cited in a large number of judicial opinions including those of the Supreme Court. The Journal of Legal Studies for January, 2000, named Professor Van Alstyne in the top forty most frequently cited legal scholars in the United States of the preceding half-century.

Prof. Thomas Berg: St. Ives Professor of Law and Co-Director of the Murphy Institute for Catholic Thought, Law, and Public Policy

Thomas Berg grew up in Chicago and received a B.S. in journalism from Northwestern University, an M.A. in philosophy and politics from Oxford University, and both an M.A. in religious studies and a J.D. from the University of Chicago, all with honors. He was a Rhodes Scholar at Oxford.

After clerking for Judge Alvin Rubin of the U.S. Court of Appeals for the Fifth Circuit, Berg practiced law in Chicago with Mayer, Brown and Platt. In addition to handling general commercial litigation, Berg specialized in writing briefs in the U.S. Supreme Court and federal courts of appeals, and also handled a range of legal matters for the Roman Catholic Archdiocese of Chicago and other religious institutions.

He has written approximately 60 articles in law reviews and religion journals on religious freedom, constitutional law, and the role of religion in law, politics and society. Berg is the author of The State and Religion in a Nutshell (now in a second edition), part of West Publishing Company's leading series of law books; and he is co-author with Michael McConnell and John Garvey of Religion and the Constitution, a casebook published by Aspen Publishing (second edition forthcoming). Berg is also working on Diversity and Devotion, a legal and cultural history of American church-state relations since World War II.
Prof. Brett Scharffs: J. Reuben Clark Law School, Brigham Young University

Professor at the J. Reuben Clark School of Law specializing in securities, business and international law, has associated with Fillmore Spencer as a consultant on securities and corporate law matters. He graduated from Georgetown University magna cum laude with a B.S.B.A. in International Business in 1986, and received an M.A. in Philosophy summa cum laude from Georgetown in 1987. He earned a B.Phil. in philosophy from Oxford University in 1989, where he studied as a Rhodes Scholar. He graduated from Yale Law School in 1992, where he was a Senior Editor of the Yale Law Journal. After law school, he clerked for Judge David B. Sentelle on the U.S. Court of Appeals, D.C. Circuit. Professor Scharffs practiced securities and corporate law for three years with the prominent New York City law firm Sullivan & Cromwell before joining the BYU Law School faculty in 1997.

For the past several years, Professor Scharffs has been teaching a course each spring on International and Comparative Law and Religion at Central European University in Budapest. He also is the co-author (with Prof. W. Cole Durham) of a new casebook, Law and Religion: National, International and Comparative Law Perspectives, which will be published by Aspen in 2009. Professor Scharffs has published widely on law and religion and has made presentations on law and religion at more than twenty international conferences in countries including Australia, China, England, India, Japan, South Africa, and Viet Nam.

Gene C. Schaerr: Partner, Winston & Strawn LLP

Gene Schaerr is the chair of Winston & Strawn’s nationwide appellate practice, and frequently represents churches and religious colleges in addition to an array of business clients. He holds a B.A. in economics from Brigham Young University, an M.A. and M.Phil. in economics from Yale University, and a J.D. from Yale Law School. Mr. Schaerr served as a law clerk to United States Supreme Court Chief Justice Warren E. Burger and Justice Antonin Scalia. He also served as a law clerk to Judge Kenneth W. Starr of the U.S. Court of Appeals for the D.C. Circuit. In addition, he served for two years as associate counsel to the President of the United States. In his private law practice, Mr. Schaerr has handled more than 100 cases in federal and state appellate courts, and has argued six cases before the United States Supreme Court and dozens of cases in federal courts of appeal and state appellate courts.

Mr. Schaerr has also represented, in litigation and legislative matters, numerous religious institutions, including the National Council of Churches, the Church of Jesus Christ of Latter-day Saints, the Seventh-Day Adventist Church, the United Methodist Church, the Lutheran Church-Missouri Synod, the AME Zion Church, and the National Association of Evangelicals, and has been actively involved in most of the landmark religious-freedom decisions issued by the Supreme Court in the last twenty years. He played an active role in the development, passage and defense of the Religious Freedom Restoration Act of 1993 (RFRA), and of the Religious Land Use Act of 2000 (known as RLUIPA), including the preparation and presentation of congressional testimony in support of both statutes. He currently represents a coalition of major religious universities and colleges in an effort to obtain an amendment to the federal Higher Education Act, and is representing several Northern Virginia Episcopal congregations in property litigation with the national Episcopal denomination.