

JAY S. BYBEE

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WORK EXPERIENCE

Judge, United States Court of Appeals for the Ninth Circuit, Las Vegas, NV (2003-present)

Assistant Attorney General, Office of Legal Counsel, United State Department of Justice,
Washington, DC (2001-03)

Professor, William S. Boyd School of Law, University of Nevada, Las Vegas
Senior Fellow in Constitutional Law (2005-present)
Professor of Law (1999-2001)
Professor of the Year (2000)

Professor, Paul M. Hebert Law Center, Louisiana State University, Baton Rouge, LA
Professor of Law (1998)
Associate Professor of Law (1995-98); Harry S. Redmon, Jr. Professorship (1996-97)
Director, LSU Summer Program, University of Aix-Marseille III Law School,
Aix-en-Provence, France (Summer 1997)
Assistant Professor of Law (1991-95)

Associate Counsel to the President, The White House (1989-91)

Attorney, United States Department of Justice, Washington, DC
Civil Division, Appellate Staff (1986-89)
Office of Legal Policy (1984-86)

Associate, Sidley & Austin, Washington, DC (1981-84)

Law Clerk, The Honorable Donald Russell, United States Court of Appeals for the Fourth
Circuit (1980-81)

Summer Associate, Shearman & Sterling, New York, NY (1980)

EDUCATION

J.D. (*Cum Laude*), J. Reuben Clark Law School, Brigham Young University, Provo, UT (1980)
Board of Editors (Business Manager) and Member, *Brigham Young University Law Review* (1978-80)

B.A. (*Magna Cum Laude*, and with Highest Honors) in Economics, Brigham Young University, Provo, UT (1977)
University Scholar; Edwin S. Hinckley Scholar; Crockett Scholarship in Economics Honors Program Graduate; Phi Kappa Phi National Honor Society

BAR ADMISSIONS

District of Columbia; U.S. Supreme Court; U.S. Courts of Appeals for the Second, Fourth, Fifth, Ninth, Tenth and D.C. Circuits

PUBLICATIONS AND PAPERS

Books, Monographs and Book Contributions

POWERS RESERVED FOR THE PEOPLE AND THE STATES (Praeger Publishers 2006) (co-authored with Professors Thomas McAfee and Christopher Bryant)

"Domestic Violence Clause" and "Child Support Recovery Act (1992)" in ENCYCLOPEDIA OF THE AMERICAN CONSTITUTION (Leonard W. Levy, Kenneth L. Karst & Adam Winkler, eds. 2d ed. 2000)

"George Sutherland" and "Owen J. Roberts" in THE SUPREME COURT JUSTICES: ILLUSTRATED BIOGRAPHIES, 1789-1993 (Clare Cushman, ed. 1993)

RELIGIOUS LIBERTY UNDER THE FREE EXERCISE CLAUSE, U.S. Department of Justice, Office of Legal Policy, 165 pp. (1986)(co-authored with Lowell V. Sturgill)

Articles

William Rehnquist, The Separation of Powers, and the Riddle of the Sphinx, 58 STAN. L. REV. 1735 (2006) (co-authored with Tuan N. Samahon) (Symposium)

Judging the Tournament, 32 FLA. ST. U.L. REV. 1055 (2005) (co-authored with Thomas J. Miles) (Symposium)

Of Orphans and Vouchers: Nevada's "Little Blaine Amendment" and the Future of Religious Participation in Public Programs, 2 NEV. L.J. 551 (2002) (co-authored with David W. Newton)

Printz, the Unitary Executive, and the Fire in the Trash Can: Has Justice Scalia Picked the Court's Pocket?, 77 NOTRE DAME L. REV. 269 (2001)

Common Ground: Robert Jackson, Antonin Scalia and a Power Theory of the First Amendment, 75 TUL. L. REV. 251 (2000)

The Tenth Amendment Among the Shadows: On Reading the Constitution in Plato's Cave 23 HARV. J.L. & PUB. POL'Y 551 (2000)

Agency Expertise, ALJ Independence, and Administrative Courts: The Recent Changes in Louisiana's Administrative Procedure Act, 59 LA. L. REV. 431 (1999)

Insuring Domestic Tranquility: Lopez, Federalization of Crime and the Forgotten Role of the Domestic Violence Clause, 66 GEO. WASH. L. REV. 1 (1997)

The Equal Process Clause: A Note on the (Non)Relationship Between Romer v. Evans and Hunter v. Erickson, 6 WM. & MARY BILL RTS. J. 201 (1997) (Symposium)

Who Executes the Executioner? Impeachment, Indictment and Other Alternatives to Assassination, 2 NEXUS 53 (1997) (Symposium)

Ulysses at the Mast: Democracy, Federalism and the Sirens' Song of the Seventeenth Amendment, 91 NW. U.L. REV. 500 (1997)

Substantive Due Process and Free Exercise of Religion: Meyer, Pierce and the Origins of Wisconsin v. Yoder, 25 CAP. U.L. REV. 887 (1996) (Symposium)

Taking Liberties with the First Amendment: Congress, Section 5 and the Religious Freedom Restoration Act, 48 VAND. L. REV. 1539 (1995)

Advising the President: Separation of Powers and the Federal Advisory Committee Act, 104
YALE L.J. 51 (1994)

Utah's Horseman: George Sutherland, XIII THE SUPREME COURT HISTORICAL QUARTERLY
14 (No. 2 1992)

Note, *Reverse Political Checkoff Per Se Illegal as Violation of Federal Election Campaign
Act*, 1980 B.Y.U. L. REV. 403

Comment, *Profits in Subrogation: An Insurer's Claim to Be More Than Indemnified*,
1979 B.Y.U. L. REV. 145, reprinted in 30 FED'N INS. COUNS. Q. 249 (1980)