

THURGOOD FACULTY SPOTLIGHT



TEXAS SOUTHERN UNIVERSITY

Thurgood Marshall School of Law



September 15, 2019



A district court in *Williams v. Wyoming* cited **Professor Shaundra Kellam Lewis's** article, *Bullets and Books by Legislative Fiat: Why Academic Freedom and Public Policy Permit Higher Education Institutions to Say No to Guns*, 48 IDAHO L. REV. 1 (2011), for the proposition that “the ability to regulate the presence of firearms on university campuses is inherent to institutional academic freedom.” *Williams v. Wyoming*, No. S.19-0016 (Apr. 23, 2019), 2019 WL 199293 (Appellee’s Brief) at * 18-19. In noting that the court relied upon Professor Lewis’s article as authority for this proposition, the state of Wyoming also cited Professor Lewis in its Appellee Brief to the Wyoming Supreme Court, arguing that the University of Wyoming could ban firearms on its campus since its university was a “sensitive place,” where school-aged children frequent for camps and even younger children attend daycare. *Id.*

The state of Wyoming also maintained that its firearm ban was not preempted by a state statute regulating firearms because “public universities” are “the state” for purposes of immunity from local regulations. *Id.* at 21.

Associate Dean for Research & Faculty Development Roberson King Professor of Law L. Darnell Weeden's article entitled “A Functional Free Exercise Clause Analysis Requires A State To Prove A Compelling Interest Before Interfering With An Individual's Faith-Based Same-Sex Marriage Participation Objections” was recently published in the *Appalachian Journal of Law*, 18 *Appalachian J.L.* 113, 115-16 (2019). In the article, the primary issue presented was whether the First Amendment requires a state to demonstrate a compelling state interest before it can substantially interfere with an individual's free exercise marriage participation rights. “Since there are several compelling explanations for supporting a religious exemption from general applicable laws requiring florists, bakers, wedding planners, and those similarly situated to perform services for same-sex weddings, which free exercise rights require the exemption be granted in the absence a demonstrated compelling justification by the government,” Weeden contends.





Dean Joan R.M. Bullock presented at the Thurgood Marshall School of Law fall 2019 Faculty Lecture Series on the subject entitled, "Teaching Intentionally " on September 4, 2019. Dean Bullock said the focus of teaching is not on you want to teach; it is on what the student needs to learn. What, therefore, must the student learn? This the question has been answered by the Thurgood Marshall School of Law faculty. Students should graduate with the ability to demonstrate the following competencies:

- ability to think critically by synthesizing, formulating, and applying principles of law to resolve a legal issue
- ability to write critically by organizing and expressing ideas in writing with precision, clarity, logic and economy
- ability to conduct legal research and writing
- knowledge of fundamental principles in several core legal fields of practice
- ability to conduct an effective client interview
- ability to make effective oral arguments before a court mediator or legal tribunal
- knowledge of the rules, norms and canons of professional conduct in the legal profession
- understanding of the role and importance of attorney pro bono service

The question then becomes how does the instructor's teaching relate to the assessment? This is an important question because only through an assessment process can a student's progress in mastering the competencies be evaluated. Professors must teach their individual courses with the intention of either introducing, reinforcing, or mastering a competency.



Professor Walter T. Champion presented at the Thurgood Marshall School of Law fall 2019 Faculty Lecture Series on the subject entitled, "Daily Fantasy Sports and the Fuzzy Animal Debate in Texas" on August 28, 2019. Champion states that sports betting is reinvigorated by *Murphy v. NCAA*, where the Supreme Court held that PASPA was unconstitutional. He says the *Murphy* court held that the prohibition under PASPA of states' authorizing sports betting violates the anti-commandeering rule because it unequivocally dictates what state legislature might or might not do and that *Epic Systems Corp v. Lewis* strongly urged the courts to reinterpret ambiguous statutes, such as the "fuzzy animal" exception.

Adjunct Professor D'Andra Shu accepted an offer of publication from the *Marquette Law Review* for her piece entitled "When Food is a Weapon: Parental Liability for Food Allergy Bullying." Professor Shu examines the problem of food allergy bullying against children in schools, with its potentially deadly consequences, and argues that in some circumstances, public policy and justice demand that the bully's parents be held liable in tort. The article will appear in Volume 103 of the *Marquette Law Review*, due out early next summer.



Professor SpearIt accepted an offer to publish his work, *Reimagining the Death Penalty: Targeting Christians, Conservatives*, in the *Buffalo Law Review* (forthcoming 2020). He recently published the chapter, "The Catholic Church Sex Scandal and the Dying Death Penalty: Issues at the Intersection of Religion, Crime, and Punishment," in *The State of Criminal Justice 2019* (American Bar Association 2019). His 2019 Islamic Monthly piece, "Alabama Executes a Muslim and Extinguishes Religious Rights," was republished in the *East Side Daily News*, <http://www.eastsidedailynews.com/April%2019.pdf>, and his scholarship has been cited in a number of works including the book, *Prisoners of Politics: Breaking the Cycle of Mass Incarceration* (The Belknap Press of Harvard University Press 2019); the Ph.D. dissertation, *The Disenfranchisement of Justice-Involved College Students from State Financial Aid* (Mich. St. U. 2019); a 2019 research report, *Unbarring Access: A Landscape Review of Postsecondary Education in Prison and Its Pedagogical*

Supports, <https://sr.ithaka.org/publications/landscape-review-postsecondary-education-in-prison/>; *Representing Father-Son Relationships Among African-American Muslim Men in Film and Television*, 30 *Islam and Christian-Muslim Relations* 165 (2019); *The Practical Implications of Unexamined Assumptions: Disrupting Flawed Legal Arguments to Advance the Cause of Justice*, 58 *Washburn L.J.* 531 (2019); *Opioids and Converging Interests*, 49 *Seton Hall L. Rev.* 1019 (2019); *Prison and Law, Repression and Resistance: Colonialism and Beyond*, 47 *J. of Imp. & Commonwealth Hist.* 213 (2019); *Listen to the Tastemakers: Building an Urban Arts High School Music Curriculum*, *Research Stud. Music Ed.* (2019).

Please send any announcements you would like to include in the next Thurgood Faculty Spotlight to Ms. Toyann Timmons (Toyann.Timmons@tmslaw.tsu.edu) and Dean Weeden (Larry.Weeden@tmslaw.tsu.edu) by 5p.m. Friday, September 27, 2019



Thurgood Faculty Spotlight is a twice Monthly journal (the 1st and 15th during the fall and spring semester) recording the achievements, experience, and awards of The Texas Southern University Thurgood Marshall School of Law faculty of distinction.

**L. Darnell Weeden, Associate Dean for Faculty Development & Research,
is the editor of Thurgood Faculty Spotlight**