

STEPHANIE HALL BARCLAY

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ACADEMIC EXPERIENCE

Notre Dame Law School; Associate Professor of Law; July 2020–Present

- Courses: Religious Liberty, Family Law, Religious Liberty Initiative
- Service: Admissions Committee (2020–Present); Religious Liberty Initiative (2020–Present).

Stanford Law School; Affiliate, Constitutional Law Center; Aug. 2020–Present

- Teach a workshop on a First Amendment topic
- Mentor resident academic fellows at the Stanford Constitutional Law Center

Associate Professor of Law; J. Reuben Clark Law School; July 2018–June 2020

- Courses: First Amendment, Fourteenth Amendment, Family Law, and Structures of the Constitution
- Service: Director of the Rex E. Lee Appellate Academy (2019–Present); Adviser to the Moot Court Program (2019–Present); Admissions Committee (2018–Present); Leadership Fellowship Selection Committee (2018–Present)

AWARDS AND FELLOWSHIPS

- Nootbar Fellow; Nootbar Institute for Law, Religion, & Ethics; Pepperdine University Caruso School of Law; Aug. 2020–Present
- Twice Voted Professor of the Year by the 2L/3L Students at BYU Law
- Research Fellow; International Center for Law and Religion Studies at BYU; Jun.–Aug. 2009

OTHER MEMBERSHIPS AND SERVICE

- Chair Elect for the AALS Law and Religion Section (2019–Present)
- Board Member of the JRCLS International Religious Freedom Committee (2018–Present)
- Board Member for the UVU Center for Constitutional Studies (2019–Present)
- Yale Law Journal, anonymous peer reviewer
- Stanford Law Review, anonymous peer reviewer

PUBLICATIONS AND PAPERS

- *Rethinking Protections for Indigenous Sacred Sites*, 134 HARVARD LAW REVIEW __ (forthcoming 2021), coauthored with Professor Michalyn Steele
- *An Economic Approach to Religious Exemptions*, __ FLORIDA LAW REVIEW (forthcoming 2020) (selected for presentation at the Harvard/Stanford/Yale Junior Faculty Forum)
- *The Historical Origins of Judicial Religious Exemptions*, __ NOTRE DAME LAW REVIEW (forthcoming 2020)
- *Untangling Entanglement*, 97 WASHINGTON UNIVERSITY LAW REVIEW 1701 (2020)
- *First Amendment “Harms,”* 95 INDIANA LAW JOURNAL 331 (2020)

- *Original Meaning and the Establishment Clause: A Corpus Linguistics Analysis*, 61 ARIZONA LAW REVIEW 505 (2019), coauthored with Brady Earley and Annika Boone
- *A Dialogue about Religious Beliefs and Third-Party Harms in Family Law*, A Book Review of The Contested Place of Religion in Family Law, 52 FAMILY LAW QUARTERLY 413 (2019)
- *Constitutional Anomalies or As-applied Challenges? A Defense of Religious Exemptions*, 59 BOSTON COLLEGE LAW REVIEW 1595 (2018), coauthored with Professor Mark Rienzi
- *Retained by The People: Federalism, the Ultimate Sovereign, and Natural Limits on Government Power*, 23 WILLIAM & MARY BILL OF RIGHTS LAW JOURNAL 257 (2014)
- *Fair Trade and Child Labor*, 43 COLUMBIA HUMAN RIGHTS LAW REVIEW 1 (2011), coauthored with Professor Shima Baradaran Baughman (cited in the New York Times)
- *Defamation and John Does: Increased Protections and Relaxed Standing Requirements for Anonymous Internet Speech*, 2010 BYU LAW REVIEW 1309 (2010)
- *Passive Acknowledgement or Active Promotion of Religion? Neutrality and the Ten Commandments in Green v. Haskell*, 2010 BYU LAW REVIEW 3 (2010)

EDUCATION

J. Reuben Clark Law School, Brigham Young University; J.D., 2011

- *Summa cum laude*; GPA: 3.92
- Elected to the Order of the Coif
- Lead Articles Editor, BYU Law Review
- Constitutional Scholar Award (awarded to the top constitutional law student)
- J. Reuben Clark Award (selected by BYU Law faculty and peers for exemplifying academic excellence, integrity, high ethical standards, and service)
- Meritorious Service Award (selected by BYU Law faculty for significant service)

Brigham Young University–Idaho; B.S. in Finance, Minor in English, 2008

- *Summa cum laude*; GPA: 3.99
- Newel K. Whitney Business Award (selected by BYU–Idaho faculty for outstanding academic performance)
- Student Body Vice President
- First Place Winner of the BYU–Idaho Speech Competition

PROFESSIONAL EXPERIENCE

The Becket Fund for Religious Liberty

Of Counsel; Jul. 2018–Present

Legal Counsel; Feb. 2015–Jul. 2018

- Twice named a Washington D.C. Super Lawyer Rising Star (both 2016 and 2019)
- Drafted numerous cert petitions, amicus briefs, and merits briefs before the U.S. Supreme Court regarding a range of First Amendment issues
- Argued multiple hearings in federal court and assisted with briefing and oral argument preparation in numerous appellate victories
- Deposed and cross-examined multiple witnesses in multiple religious liberty trials
- Obtained a significant settlement for a client after receiving a favorable court ruling after trial

Associate; Covington & Burling LLP; Oct. 2012–Jan. 2015

- Principal brief-writer of a pro bono U.S. Supreme Court *amicus* brief in *Holt v. Hobbs*
- Helped draft multiple additional cert petitions, motions briefs, and *amicus* briefs in state and federal court
- Lead counsel in successful appeals before the Ninth Circuit Court of Appeals and the D.C. Court of Appeals
- First chair of two civil trials that resulted in favorable outcomes for indigent clients, and which involved soliciting direct testimony from seven witnesses, cross-examining three witnesses, and introducing over a hundred exhibits into evidence
- Performed a seven-month pro bono rotation with Bread for the City

Clerkship; U.S. Court of Appeals for the Ninth Circuit; Aug. 2011–Sept. 2012

- Law clerk to the Honorable N. Randy Smith

Litigation Extern; Snow, Christensen & Martineau; Dec. 2010–Feb. 2011

- Assisted Professor Frederick Gedicks with federal district court litigation

Intern; Area Legal Counsel Office in Frankfurt for the LDS Church; May–Jun. 2009

- Researched EU legislative processes and policy impacting religious organizations
- Traveled to Romania to study Romania's religious freedom restrictions

ACADEMIC PRESENTATIONS

- Featured Lecturer, *The Historical Origins of Judicial Religious Exemptions*, Georgetown Center for the Constitution (Sep. 2020)
- Presenter, *An Economic Approach to Religious Exemptions*, 2020 Stanford/Harvard/Yale Junior Faculty Forum, Stanford Law School (Aug. 2020)
- Presenter, *The Historical Origins of Judicial Religious Exemptions*, Annual Law and Religion Roundtable, Pepperdine Caruso School of Law (Jun. 2020)
- Presenter, *The Historical Origins of Judicial Religious Exemptions*, 2020 Junior Scholars Colloquium in Annapolis, MD (Jun. 2020)
- Presenter, *The Historical Origins of Judicial Religious Exemptions*, Annual Originalism Works-in-Progress Conference, University of San Diego School of Law (Feb. 2020)
- Panelist, *Originalism and the Religion Clauses*, Originalism and Precedent Conference, University of Virginia School of Law (Feb. 2020)
- Presenter, *Original Meaning and the Establishment Clause: A Corpus Linguistics Analysis*, Arizona Law Review Speaker Series, University of Arizona College of Law (Feb. 2020)
- Presenter, *The Historical Origins of Judicial Religious Exemptions*, Notre Dame Colloquium on Church, State & Society (Jan. 2020)
- Presenter, *Untangling Entanglement*, Law and Religion Symposium, Washington University School of Law (Jan. 2020)

- Presenter, *Rethinking Protections for Indigenous Sacred Sites*, University of Utah S.J. Quinney College of Law (Jan. 2020)
- Moderator, *The Future of the Establishment Clause, and the Court's Shadow Docket*, AALS Law and Religion Section (Jan. 2020)
- Participant, Sixth Annual Salmon P. Chase Lecture & Colloquium, Georgetown Center for the Constitution (Dec. 2019)
- Presenter, *An Economic Approach to Religious Liberty*, Rocky Mountain Junior Scholars Forum (Nov. 2019)
- Speaker, *Religious Liberty and The Founding*, Pembroke College, Oxford University (Oct. 2019)
- Speaker, *James Madison and Religious Liberty*, UVU Center for Constitutional Studies (Sep. 2019)
- Guest Lecturer, Religious Liberty Seminar Class, Harvard Law School (Sep. 2019)
- Presenter, *An Economic Approach to Religious Exemptions*, Pembroke College, Oxford University (Aug. 2019)
- Panelist, *Religious Persecution in the World Today*, Christ Church College, Oxford University (Aug. 2019)
- Presenter, *An Economic Approach to Religious Exemptions*, Annual Law and Religion Roundtable, University of Toronto Law School (Jun. 2019)
- Presenter, *An Economic Approach to Religious Exemptions*, International Society of Family Law, co-hosted by the Notre Dame Law School and the University of Illinois College of Law (Jun. 2019)
- Presenter, *First Amendment "Harms,"* 2019 Junior Scholars Colloquium in Annapolis, MD (Jun. 2019)
- Moderator, *The Future of Employment Division v. Smith*, Yeshiva University (May 2019)
- Panelist, *Externalities, Religious Exemptions, and Faith-based Adoption Agencies*, ABA National Conference on Access to Justice for Children and Families (Apr. 2019)
- Panelist, *The Future of the Supreme Court's First Amendment Jurisprudence*, Annual Midwest Regional Conference, University of Chicago (Feb. 2019)
- Panelist, *Religious Exemptions and Harm to Third Parties*, AALS Hot Topics Program (Jan. 2019)
- Presenter, *Original Meaning and the Establishment Clause: A Corpus Linguistics Analysis*, AALS FedSoc Works in Progress Panel (Jan. 2019)

- Presenter, *Externalities and Religious Exemptions in Adoption*, Silent Victims: Foster Care and Foster Care Adoption in America, Duke Law School Conference (Nov. 2018)
- Guest Lecturer, Religious Liberty Seminar Class, Harvard Law School (Oct. 2018)
- Presenter, *First Amendment "Harms,"* Rocky Mountain Junior Scholars Forum, University of Utah Law School (Oct. 2018)
- Presenter, *First Amendment "Harms,"* BYU Law Faculty WIP (Oct. 2018)
- Presenter, *First Amendment "Harms,"* Women in Law Teaching Works-in-Progress Workshop, University of Minnesota Law School (Jul. 2018).
- Participant, Annual Law and Religion Roundtable (Jun. 2018)
- Panelist, *Significant Opinions of the 2016 Term*, Supreme Court Review at BYU Law School (Sep. 2017)
- Speaker, *Reflections on Supreme Court Religious Liberty Cases*, George Washington University, Loeb Institute for Religious Freedom Seminar (Jul. 2017)

BAR ADMISSIONS

- District of Columbia
- United States Supreme Court
- Third Circuit Court of Appeals
- Fifth Circuit Court of Appeals
- Sixth Circuit Court of Appeals
- Ninth Circuit Court of Appeals