

## **R. RANDALL KELSO**

### Office

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### **I. Education**

#### **University of Wisconsin School of Law**

J.D., 1979

University of Wisconsin Law Review, 1977-79  
Managing Editor, Wisconsin Law Review, 1978-79

#### **University of Chicago**

B.A., 1976

Major Field of Concentration: Mathematics

### **II. Current Employment**

#### **Spurgeon E. Bell Distinguished Professor of Law, South Texas College of Law Houston**

**Tenured Professor of Law**, South Texas College of Law Houston, 1989 - Present

### **III. Past Employment**

Visiting Professor of Law, University of the Pacific, McGeorge School of Law, Summers, 1988-96

Visiting Professor of Law, University of Aarhus School of Law, Aarhus, Denmark, Spring, 1997

Associate Professor of Law, South Texas College of Law, 1986-89

Assistant Professor of Law, South Texas College of Law, 1983-86

Associate-in-Law, Columbia University School of Law, 1980-82

Instructor, University of Miami School of Law, 1979-80

#### **IV. Awards**

**1995 Vinson & Elkins Award for Faculty Excellence** (given to one South Texas College of Law professor a year for excellence in teaching, scholarship, and service to the school).

#### **V. Courses Taught**

##### **Current Teaching Responsibilities**

Constitutional Law  
Contracts I  
Contracts II  
First Amendment Law

##### **Other Courses Taught**

Jurisprudence  
Professional Responsibility  
Legal Research & Writing I & II  
Introduction to American Law: The Adversary Process

#### **VI. Publications**

##### **A. Recent Publications: 2000-Present**

##### **Books**

Charles D. Kelso & R. Randall Kelso, *THE PATH OF CONSTITUTIONAL LAW* (Vandeplas Publishing 2007) (1600 page E-Treatise on United States Constitutional Law) (available at <http://libguides.stcl.edu/kelsomaterials>).

Charles D. Kelso & R. Randall Kelso, 2016 Supplement to *THE PATH OF CONSTITUTIONAL LAW* (Vandeplas Publishing 2007) (included as an Appendix to the E-Treatise).

Charles D. Kelso & R. Randall Kelso, *THE PATH OF CONSTITUTIONAL LAW: COMPANION BOOK TO E-TREATISE* (Vandeplas Publishing 2007) (200 page hard copy summary of the E-Treatise).

R. Randall Kelso & Charles D. Kelso, *STUDYING LAW: AN INTRODUCTION* (2d ed. April, 2010) (1st ed. West Pub. Co. 1984) (available at <http://libguides.stcl.edu/kelsomaterials>).

##### **Articles**

R. Randall Kelso, *The Structure of Modern Free Speech Doctrine: Strict Scrutiny, Intermediate Review, and Reasonableness Balancing*, 8 *Elon L. Rev.* 291 (2016).

R. Randall Kelso, *The Structure of Planned Parenthood v. Casey Abortion Rights Law: Strict Scrutiny for Substantial Obstacles on Abortion Choice and Otherwise Reasonableness Balancing*, 34 *Quinnipiac L. Rev.* 75 (2015).

Charles D. Kelso & R. Randall Kelso, *The Constitutional Jurisprudence of Justice Kennedy on Separation of Powers and Federalism*, 42 Capital U.L. Rev. 531 (2014).

R. Randall Kelso, *United States Standards of Review versus the International Standard of Proportionality: Convergence and Symmetry*, 39 Ohio Northern L. Rev. 455 (2013).

R. Randall Kelso, *The Constitutional Jurisprudence of Justice Kennedy on the Religion Clauses*, 44 McGeorge L. Rev. 103 (2013) (part of Symposium Issue on the Jurisprudence of Justice Kennedy) (based on presentation made at the Symposium).

Charles D. Kelso & R. Randall Kelso, *The Constitutional Jurisprudence of Justice Kennedy on Speech*, 29 San Diego L. Rev. 693 (2012).

R. Randall Kelso, *Modern Moral Reasoning and Emerging Trends in Constitutional and Other Rights Decisionmaking Around the World*, 29 Quinnipiac L. Rev. 433 (2011).

Charles D. Kelso & R. Randall Kelso, *The Constitutional Jurisprudence of Justice Kennedy on Liberty*, 9 Dartmouth Law Journal 29 (2011).

R. Randall Kelso, *Judicial Decisionmaking and Judicial Review: The State of the Debate, Circa 2009*, 112 West Virginia L. Rev. 351 (2010).

R. Randall Kelso, *Custom and Tradition Versus Reason in Modern Secular and Religious Moral Reasoning and in Modern Constitutional Law* (2006) (posted on SSRN, with 1148 downloads to date).

R. Randall Kelso, *Narcissism, Generation X, the Corporate Elite, and the Religious Right Within the Modern Republican Party: A Set of “Friendly” Observations for President Bush*, 24 Cardozo L. Rev. 1791-2024 (2003).

R. Randall Kelso, *Standards of Review Under the Equal Protection Clause and Related Constitutional Doctrines Protecting Individual Rights: The “Base Plus Six” Model and Modern Supreme Court Practice*, 4 U. Pa. Const. L.J. 225-59 (2002) (part of Symposium Issue on Constitutional Standards of Review) (based on presentation made at the Symposium).

R. Randall Kelso & Charles D. Kelso, *Swing Votes on the Current Supreme Court: The Joint Opinion in Casey and Its Progeny*, 29 Pepperdine L. Rev. 637-88 (2002).

Charles D. Kelso & R. Randall Kelso, *Sandra Day O’Connor: A Justice Who Has Made a Difference in Constitutional Law*, 32 McGeorge L. Rev. 915-55 (2001).

R. Randall Kelso, *Reflections on the Learning-Disabled Lawyer: Or on the Importance of Being Swift – A Modest Proposal*, 42 S. Tex. L. Rev. 119-27 (2000).

## **Book Reviews**

R. Randall Kelso, *NOT SO UNPRECEDENTED: A REVIEW OF UNPRECEDENTED: THE CONSTITUTIONAL CHALLENGE TO OBAMACARE BY JOSH BLACKMAN* (2014) (Lambert Publishing 2015).

Charles D. Kelso & R. Randall Kelso, *Of Cabbages and Kings: A Review of OUR UNDEMOCRATIC CONSTITUTION by Sanford Levinson*, 86 Tex. L. Rev. 1263-1279 (2008).

Charles D. Kelso & R. Randall Kelso, *Book Review: THE NINE: INSIDE THE SECRET WORLD OF THE SUPREME COURT*, 39 McGeorge L. Rev. 1131-1142 (2008).

## **B. Older Publications: 1977-1999**

### **Books**

R. Randall Kelso & Charles D. Kelso, *STUDYING LAW: AN INTRODUCTION* (West Pub. Co. 1984).

### **Articles**

#### **Constitutional Law**

R. Randall Kelso & Charles D. Kelso, *How the Supreme Court is Dealing with Precedents in Constitutional Cases*, 62 Brooklyn L. Rev. 973-1038 (1996).

Charles D. Kelso & R. Randall Kelso, *Standing to Sue: Transformations in Supreme Court Methodology, Doctrine, and Results*, 28 Toledo L. Rev. 93-150 (1996).

Charles D. Kelso & R. Randall Kelso, *Politics and the Constitution: A Review of Judge Malcolm Wilkey's Call for a Second Constitutional Convention*, 27 Pac. L. Rev. 1213-1233 (1996).

R. Randall Kelso, *The Natural Law Tradition on the Modern Supreme Court: Not Burke, but the Enlightenment Tradition of Locke, Madison, and Marshall*, 26 St. Mary's L.J. 1051-1088 (1995).

R. Randall Kelso, *Three Years Hence: An Update on Filling Gaps in the Supreme Court's Approach to Constitutional Review of Legislation*, 36 S. Tex. L. Rev. 1-43 (1995).

Charles D. Kelso & R. Randall Kelso, *Our Nine Tribunes: A Review of Professor Lusky's Call for Judicial Restraint*, 5 Seton Hall Const. L.J. 1289-1325 (1995).

R. Randall Kelso, *Styles of Constitutional Interpretation and the Four Main Approaches to Constitutional Interpretation in American Legal History*, 29 Valparaiso L. Rev. 121-233 (1994).

R. Randall Kelso, *Considerations of Legislative Fit Under Equal Protection, Substantive Due Process, and Free Speech Doctrine: Separating Questions of Advancement, Relationship, and Burden*, 28 U. Richmond L. Rev. 1279-1310 (1994).

R. Randall Kelso, *Separation of Powers Doctrine on the Modern Supreme Court and Four Doctrinal Approaches to Judicial Decisionmaking*, 20 Pepperdine L. Rev. 531-641 (1993).

R. Randall Kelso, *Filling Gaps in the Supreme Court's Approach to Constitutional Review of Legislation: Standards, Ends, and Burdens Reconsidered*, 33 S. Tex. L. Rev. 493-599 (1992).

R. Randall Kelso, *Constitutional Law and Civil Rights*, 35 Loyola L. Rev. 769-831 (1989).

Charles D. Kelso & R. Randall Kelso, *Abortion Law in the United States*, in 7 Comparative Law Yearbook Ch. 5 (1984).

### **Jurisprudence**

R. Randall Kelso, *A Post-Conference Reflection on Federalism, Toleration, and Human Rights*, 40 S. Tex. L. Rev. 811-32 (1999).

R. Randall Kelso, R. Randall Kelso, *A Post-Conference Reflection on the Lawyer's Duty to Promote the Common Good*, 40 S. Tex. L. Rev. 299-309 (1999).

R. Randall Kelso, *Reason, Morality, and Wealth*, 7 Okla. City U.L. Rev. 131-75 (1982).

R. Randall Kelso, *Godel, Escher, Bach: More Darkness or Day for Night*, 1981 Wis. L. Rev. 822-59 (1981).

### **Legal Education**

Charles D. Kelso & R. Randall Kelso, *Legal Education's Future: Broadening Horizon or Narrowing Window*, 59 Wash. U.L. Rev. 661-85 (1981).

Charles D. Kelso & R. Randall Kelso, *Breach of Contract, Learning and the Law*, 40-49 (Summer 1977).

### **Statutory Interpretation**

R. Randall Kelso, *Statutory Interpretation Doctrine on the Modern Supreme Court and Four Doctrinal Approaches to Judicial Decisionmaking*, 25 Pepperdine L. Rev. 37-66 (1997).

C. Kevin Kelso & R. Randall Kelso, *Appeals in Federal Courts by Prosecuting Entities Other than the United States: The Plain Meaning Rule Revisited*, 31 Hastings L. Rev. 187-238 (1981).

### **Other**

R. Randall Kelso & Sonia M. Pawluc, *Focus on Cameras in the Courtroom: The Florida Experience, the California Experiment, and the Pending Decision in Chandler v. Florida*, 12 Pac. L.J. 1-40 (1980).

R. Randall Kelso & Diane Fineblum Pinchuk, *The Personal Attack Rule and Professional Occupations: Consistency in FCC Decisionmaking*, 16 Cal. W.L. Rev. 399-421 (1980).

R. Randall Kelso, *Case Note: Antitrust & the Anti-Injunction Statute*, *Vendo v. Leckro-Vend Corp.*, 1977 Wis. L. Rev. 1208-25 (1977).

## VII. **In-House Published Teaching Materials**

CHARLES D. KELSO & R. RANDALL KELSO, AMERICAN CONSTITUTIONAL LAW: AN E-COURSEBOOK VOLUMES 1 & 2: (2015) (Volume 1: The Structural Constitution: Separation of Powers and Federalism; Volume 2: Individual Economic, Civil, and Political Rights in the Constitution Exclusive of the First Amendment) (available at <http://libguides.stcl.edu/kelsomaterials>).

CHARLES D. KELSO & R. RANDALL KELSO, AMERICAN CONSTITUTIONAL LAW: AN E-COURSEBOOK VOLUME 3: THE FIRST AMENDMENT (2015) (available at <http://libguides.stcl.edu/kelsomaterials>).

Supplementary Material and Outline for Constitutional Law (original edition 1988 – most recent edition 2015)

Supplementary Material and Outline for Contracts II (original edition 1985 – most recent edition 2015)

Supplementary Material and Outline for Contracts I (original edition 1985 – most recent edition 2015)

Supplementary Material for The Adversary Process (original edition 1990 – most recent edition 1996) (for use in the University of the Pacific, McGeorge School of Law's Summer Pre-Law Program)

Readings and Materials on Jurisprudence (original edition 1984 – most recent edition 1988)

Professional Responsibility: Problem Summaries (original edition 1984 – most recent edition 1987)

Supplementary Material and Problems for Legal Research and Writing I & II (original edition 1983 – most recent edition 1987)

## VIII. **Major Faculty Committee Responsibilities**

### **Recent Committee Responsibilities For 2015-17**

Chair, ABA/AALS Self-Study Committee (2014-Present)

Member, Program Effectiveness Committee (2015-2016)

Member, Scholarship Committee (2011-Present)

### **Previous Committee Responsibilities**

Chair, Curriculum Committee (1997-2004, Fall 2010)  
Chair, Fred Parks Search Committee (2008-2009)  
Chair, Promotion, Tenure and Reappointment Committee (1995-96)  
Chair, Center for Legal Responsibility Task Force (1995-97)  
Chair, Curriculum Committee (1994-95)  
Chair, Faculty Development Committee (1992-94)  
Chair, Public Relations Committee of the \$25 Million Capital Campaign (1993-94)  
Chair, AALS Self-Study Committee (1990-91)  
Chair, Admissions Committee (1985-90)  
Chair, Minorities Committee (1984-85)  
Member, Grades and Calendar Committee (2014-2015)  
Member, Promotion, Tenure & Reappointment Committee (2011-2014)  
Member, PTR Regulations Committee (2011-14)  
Member, Teacher Development Committee (2010-2011)  
Member, Curriculum Committee (2004-06, 2007-11)  
Member, Fred Parks Search Committee (2005-08)  
Member, Ad Hoc LLM Task Force Committee (2003-08)  
Member, Work Group Programs Initiatives Committee (2000-02)  
Member, Student Performance & Statistical Data Committee (1999-2000)  
Member, Faculty Interchange Steering Committee (1998-2001)  
Member, Ad Hoc Committee to Review Contract Personnel Status (1995-97)  
Member, Faculty Scholarship Committee (1995-96)  
Member, Admissions Marketing Task Force (1995-96)  
Member, Promotion, Tenure & Reappointment Committee (1993-95)  
Member, Steering Committee for the \$25 Million Capital Campaign (1993-94)  
Member, Curriculum Committee (1993-94)  
Member, Public Relations Committee (1992-95)  
Member, Library Committee (1991-93)  
Member, Faculty Development Committee (1991-92)  
Member, Admissions Committee (1990-91)  
Member, Special Committee on the Academic Support Program (1989)  
Member, Financial Aid Committee (1987-89)  
Member, Special Committee on Sabbatical Policy (1986-87)  
Member, ABA & AALS Self-Study Committees (1985-90)  
Member, Computer and Technology Committee (1985-89)  
Member, Minorities Committee (1985-87, 1989-90)

### **IX. Other Service Related Activities (Partial List)**

Speaker, Federalist Society panel discussion on Supreme Court Roundup (October, 2015)  
Speaker, Federalist Society/Students for Reproductive Justice panel discussion on *Burnwell v. Hobby Lobby* case (November 2014)  
Speaker, Jewish Community Center Program (October 2013) (Second Amendment Rights)

Speaker, Symposium on the Jurisprudence of Justice Kennedy at University of the Pacific, McGeorge School of Law (2013).

Speaker, Use of International Sources in United States Constitutional Interpretation, International Association of Law Schools Conference on Constitutional Law, Washington, D.C. (Sept. 11-14, 2009).

Speaker, Constitutional Law Conference at the University of Pennsylvania School of Law (2002).

Speaker, AALS Conference on Constitutional Law at the University of Michigan School of Law (1993).

Faculty Judge, Over 200 Intramural Moot Court, Mock Trial, Client Counseling, and Negotiation Competitions; Interscholar Moot Court Competitions Hosted by South Texas; or Practice Rounds for Interscholar Moot Court Competitions (1985-Present).

Faculty Advisor, Annotations (student-run newspaper of South Texas) (1985-2012).

Faculty Advisor, Student Academic Planning Program (2008-2012)

Faculty Advisor, Student Skills Development Program & Academic Support Program Presentations on Studying Skills, Outlining, and Exam Taking (1985-2002).

Faculty Supervisor, Black Robes and Blue Jeans: A Bill of Rights Project (1992) (This involved supervising 52 high school students from two local high schools, preparing papers on various famous bill of rights cases.)

Panelist, "Constitutional Issues in Declaring War" (aired on local television in 1991 prior to military action against Iraq).

Faculty Advisor, ABA Client Counseling Team (1986-89).

Director of Publications, Admission Bulletin (1986-88).

Director of Publications, "Star" Recruiting Brochures (1986-87) (As a complement to our recruiting efforts and the new Admission Bulletin, five separate brochures were developed during 1986 focusing on General Information, our Part-Time Program, our Advocacy Program, Law Review, and Minority Admissions Information. I wrote the text, supervised decisions concerning design, and oversaw the print layout and publishing.)

Director of Publications, A Report from the Dean (1986) (As with the Admission Bulletin, I drafted the text and oversaw the publication of our school's first official Report from the Dean. The task was taken over by the new Director of Communications after 1986.)

Drafter, Affirmative Action Program Statement (1984) (This was the school's first official Affirmative Action Statement.)

## X. References

Available upon request.