

John Fee  
Professor of Law  
Brigham Young University  
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#### ACADEMIC EXPERIENCE

Professor of Law, J. Reuben Clark Law School, Brigham Young University since 2006;  
Associate Professor from 2003 to 2006; Assistant Professor from 2000 to 2003

Research and Teaching Emphasis: Constitutional Law, Jurisprudence, Freedom of  
Speech, Freedom of Religion, Property Law

Courses: First Amendment Law, Structures of the Constitution, State and Local  
Government, Property Law, Land Use Planning, Family Law

Awards: SBA Professor of the Year for First Year Courses, March 2009;  
Phi Alpha Delta Professor of the Year, March 2005

#### PROFESSIONAL EXPERIENCE

Judicial Clerk, Justice Antonin Scalia, United States Supreme Court, 1996 to 1997

Judicial Clerk, Judge Frank H. Easterbrook, United States Court of Appeals, Seventh  
Circuit, 1995 to 1996

Private Law Practice, Sidley & Austin, Washington D.C., 1997 to 2000. Appellate and  
Regulatory Litigation

#### EDUCATION

University of Chicago Law School, Juris Doctor, 1995  
Order of the Coif  
Articles Editor, University of Chicago Law Review

Brigham Young University, Bachelor of Arts with University Honors, 1992  
Major: American Studies

#### PUBLICATIONS

Harmonizing Freedom of Speech and Free Exercise of Religion, William and Mary Bill  
of Rights Journal (forthcoming 2024)

The Freedom of Speech-Conduct, 109 Kentucky Law Review 81 (2020-2021)

Greater-Or-Nothing Constitutional Rules, 64 Case Western Law Review 101 (2013)

The Pornographic Secondary Effects Doctrine, 60 Alabama Law Review 291 (2009)

Obscenity and the World Wide Web, 2007 BYU L. Rev. 1691 (2008)

Eminent Domain and the Sanctity of Home, 81 Notre Dame L. Rev. 783 (2006), reprinted in Land Use Law Handbook (2007)

Reforming Eminent Domain in EMINENT DOMAIN USE AND ABUSE: KELO IN CONTEXT, Dwight H. Merriam, ed. (2006)

Speech Discrimination, 85 Boston University Law Review 1103 (2005)

The Formal State Action Doctrine and Free Speech Analysis, 83 North Carolina Law Review 569 (2005)

The Takings Clause as a Comparative Right, 76 Southern California Law Review 1003 (2003)

Main Street Plaza: An Opportunity to Rebuild, 3 Teaching Ethics 97 (2002)

Tahoe-Sierra and the Denominator Issue, in TAKINGS SIDES ON TAKINGS ISSUES: THE IMPACT OF TAHOE-SIERRA, Thomas E. Roberts, ed. (2002)

Of Parcels and Property, in TAKING SIDES ON TAKINGS ISSUES: PUBLIC AND PRIVATE PERSPECTIVES, Thomas E. Roberts, ed. (2001)

Unearthing the Denominator in Regulatory Taking Claims, 61 University of Chicago Law Review 1535 (1994)

#### PRESENTATIONS

Religious Freedom and Land Use Regulation, March 2025, State and Local Government Conference, Brigham Young University Law School

Harmonizing Freedom of Speech and Religion, Law and Religion Roundtable, University of Virginia Law School, July 2024

Supreme Court Highlights, BYU Education Week, August 2018

Ten Years After Kelo, Utah Land Use Institute, Symposium on Real Property Law, November 2015

Recent Developments at the U.S. Supreme Court, BYU Education Week, August 2013

The Constitutional Implications of NFIB v. Sebelius, BYU Supreme Court Review, September 15, 2012

Eminent Domain Reform After Kelo v. New London, University of California Hastings Law School, April 2010

Panelist, Supreme Court Review, BYU Law School Audience, September 2009

New Frontiers in Property Law, A Panel of Property Law Professors, Real Property Section of the American Bar Association, Washington D.C., April 2009

Religious Monuments and the First Amendment, J. Reuben Clark Society Conference, Harvard University, February 2009

Has the President Usurped His Constitutional Powers Beyond Sound Limitations?, BYU Constitutional Day Debate, September 14, 2008

Boumediene v. Bush, BYU Law School Debate, November 2008

Recent Developments at the U.S. Supreme Court, BYU Education Week, Provo Utah, August 2008

Pornography and the First Amendment, BYU Education Week, Provo Utah, August 2007

Why the Regulatory Takings Doctrine Is Still a Muddle, Utah Appellate Judges Conference, Torrey Utah, May 2007

The Regulation of Pornography and Sexually Oriented Businesses, State and Local Government Conference, Provo Utah, March 2007

Obscenity and the World Wide Web, BYU Law Review Symposium, Provo Utah, February 2, 2007

Regulating Pornography and the First Amendment, BYU Education Week, Provo Utah, Aug 25, 2006

Community Standards, Pornography and the Constitution, Lighted Candle Society Conference, Salt Lake City, March 30, 2006

The Textualist Argument for Kelo v. New London, BYU Federalist Society, September 30, 2005

Who Supports Judicial Activism?, Panel Discussion, BYU Political Science Department, September 22, 2005

The Law and Policy of Kelo v. New London, Speech to Real Property Section of the Utah State Bar, Salt Lake City, September 15, 2005

Reforming Eminent Domain, Rocky Mountain Land Use Institute Annual Conference, Denver Colorado, April 2005

New Developments in Eminent Domain, State and Local Government Conference, Provo Utah, March 2005

Constitutional Law for State Legislators, Presentation to New Members of the Utah State Legislature, January 6, 2005

The Analytical Uses of State Action, Paper Presentation, Federalist Society Annual Law School Faculty Conference, New Orleans, January 2004

Examining The Religious Land Use and Institutionalized Persons Act, Utah Land Use Institute Annual Conference, Salt Lake City Utah, October 2003

The Ethics of the Main Street Plaza Dispute, Panel Discussion, Utah Valley State College, September 2003

What the Main Street Plaza Case Means for Local Government, Presentation to Utah Municipal Attorney's Association, Moab Utah, May 2003

A Critical Look at The Main Street Plaza Decision, State and Local Government Conference, Provo Utah, March 2003

The Impact of Palazzolo v. Rhode Island, State and Local Government Conference, Provo Utah, March 2002

The Takings Clause as a Comparative Right, Paper Presentation, University of Cincinnati Law School, March 2002

Lawyering With Humility, Spirit of the Law Presentation, BYU Law School, January 2002

The Supreme Court in Review, Utah State Bar Mid-Year Conference, St. George Utah, March 2001

City of Erie v. Pap's AM as a Case Study in Supreme Court Jurisprudence, Federalist Society Panel Discussion, BYU Law School, October 2000