

KEVIN J WORTHEN
Hugh W. Colton Professor of Law
Wheatley Institute Distinguished Fellow
Brigham Young University
490 JRCB
Provo, UT 84602
kevin_worthen@byu.edu
(801) 422-7068

PROFESSIONAL EXPERIENCE

Brigham Young University
President (2014– 2023)
Advancement Vice President (2008-2014)
Dean, J. Reuben Clark Law School (2004 - 2008)
Associate Dean (1999 – 2004)
Hugh W. Colton Professor of Law (2006 - Present)
Professor of Law (1992 – Present)
Associate Professor (1990-1992)
Assistant Professor (1987-1990)

Principal Subjects: Federal Indian Law; State & Local Government; Legislation, Constitutional Law

Other Courses Taught: Civil Procedure; Torts; Contracts, Environmental Law; Public Interest Law; State Constitutional Law; Rights of Indigenous Peoples in International and Comparative Law

Doyle-Winter Distinguished Visiting Professor of Law, Yale Law School, New Haven, Connecticut
2023-2024

Fulbright Scholar, University of Chile Law School, Santiago, Chile
Fall 1994

Faculty, Council on Legal Education Opportunity, Arizona State University, Tempe, Arizona
Summer 1989

Associate Attorney, Jennings, Strouss & Salmon, Phoenix, Arizona
1984-1987

Law Clerk, Justice Byron R. White, U.S. Supreme Court
1983-1984

Law Clerk, Judge Malcolm R. Wilkey, U.S. Court of Appeals for the D.C. Circuit
1982-1983

EDUCATION

J.D., 1982, J. Reuben Clark Law School, Brigham Young University
Graduated Summa Cum Laude
Order of the Coif

B.A., 1979, Brigham Young University, Political Science
Graduated Summa Cum Laude

A.S., 1978, College of Eastern Utah (now Utah State University – Eastern)
Co-valedictorian
Co-captain, varsity basketball team

LEGAL PUBLICATIONS

The NCAA and Religion: Insights About Non-State Governance from Sunday Play and End Zone Celebrations, 2010 Utah L. Rev. 123 (Invited, Conference on Non-State Governance)

Religiously Affiliated Law Schools: An Added Dimension, in **Life in the Law: Service and Integrity** 47 (2009)

The Essence of Lawyering in an Atmosphere of Faith in **Life in the Law: Service and Integrity** 281 (2009)

Eagle Feathers and Equality: Lessons on Religious Exceptions from the Native American Perspective, 76 Colo. L. Rev. 989 (2005) (Invited, Conference on Conscience and the Free Exercise of Religion)

The Role of International Law, in **Cohen's Handbook of Federal Indian Law** 456 (Nell Newton, et al., ed. 2005)

Federal Court Subject Matter Jurisdiction, in **Cohen's Handbook of Federal Indian Law** 610 (Nell Newton, et al., ed. 2005)

Introduction to Church Autonomy Conference, 2004 BYU L. Rev. 1093

Who Decides and What Difference Does It Make? Defining Marriage in "Our Democratic, Federal Republic," 18 B.Y.U. J. Pub. L. 273 (2004) (Invited, Symposium on Same-Sex Marriage)

Discipline: An Academic Dean's Perspective on Dealing With Plagiarism, 2004 B.Y.U.

Educ. & L. J. 441 (Invited, Symposium on Plagiarism)

Who's In Charge Here? Tribal, State, and Federal Authority Over Non-Indian Resource Development in Indian Country, 47 Rocky Mt. Min. L. Rev. 2-1 (2001)

Protecting the Sacred Sites of Indigenous Peoples in U.S. Courts: Reconciling Native American Religion and the Right to Exclude, 13 St. Thomas L. Rev. 239 (2000) (Invited, Seminar on Sacred Sites and Modern Lives)

The Role of Indigenous Groups in Constitutional Democracies: A Lesson From Chile and the United States, in **The Human Rights of Indigenous Peoples** 235 (Cynthia Price Cohen, ed. 1998)

The Right to Keep and Bear Arms in Light of *Thornton*: The People and Essential Attributes of Sovereignty, 1998 BYU L. Rev. 137 (Invited, Seminar on the Second Amendment)

The Grand Experiment: Evaluating Indian Law in the "New World", 5 Tulsa J. Int'l & Comp. L. 229 (1998) (Invited, Seminar on Indigenous Peoples in International Law)

Why Indian Law? (Book Review), 1 Greenbag 341 (1998)

If It is Broken, Fix It (Book Review), Clark Memorandum 44 (Spring 1996)

Who Will Control the Future of Indian Gaming? "A Few Pages of History are Worth a Volume Of Logic," 1996 BYU L. Rev. 407 (co-author with Wayne Farnsworth) (Invited, Seminar on Federalism)

Shirt Tales: Clerking for Byron White, 1994 BYU L. Rev. 349 (Invited, Seminar on Justice White), *reprinted in In Chambers: Stories of Supreme Court Law Clerks and Their Justices* 303 (Todd C. Peppers and Artemus Ward eds. 2012).

One Small Step for Courts, One Giant Leap for Group Rights: Accommodating the Associational Role of "Intimate" Government Entities, 71 N.C. L. Rev. 595 (1993)

The "Pivotal" Role of Local Governments in Striking the Proper Balance Between Individualism and Communitarianism: Lessons For and From Americans, 1993 BYU L. Rev. 475 (Invited, Seminar on Individualism and Communitarianism)

Two Sides of the Same Coin: The Potential Normative Power of American Cities and Indian Tribes, 44 Vand. L. Rev. 1273 (1991)

Sword or Shield: The Past and Future Impact of Western Legal Thought on American Indian Sovereignty (Book Review), 104 Harv. L. Rev. 1372 (1991)

Shedding New Light on an Old Debate: A Federal Indian Law Perspective on Congressional Authority to Limit Federal Question Jurisdiction, 75 Minn. L. Rev. 65 (1990)

The Last Shall be First, and the First Last: Ruminations on the Past, Present and Future Course of Government Regulation of Hazardous Pollutants, 1989 BYU L. Rev. 1113

Water Law, (Book Review) 64 Q. Rev. of Biology 336 (1989)

Contributor to ABA **Preview of Supreme Court Cases** - Previewing Supreme Court cases on Indian Law, Voting Rights, and Federalism

SELECTED ACADEMIC PRESENTATIONS

“Sunday Play and End Zone Celebrations: Lessons on Non-State Governance from the NCAA’s Experience with Religion,” - University of Utah Symposium on Non-State Governance - Salt Lake City, Utah - February 2009

“Eagle Feathers and Equality: Lessons on Religious Exceptions from the Native American Experience” - 12th Annual Ira C. Rothgerber Conference, University of Colorado Law School - Boulder, Colorado - January 2005

“Blindfolded Justice: Striking the Balance Between Judicial Independence and Judicial Accountability,” National Conference of State Chief Justices - Salt Lake City, Utah - July 2004

“Balloonists and Fan Dancers: The U.S. Supreme Court’s Decision in *United States v. Lara*,” Tenth Circuit Judicial Conference - Park City, Utah - July 2004

“Discipline: An Academic Dean’s Perspective on Dealing With Plagiarism” - American Association of Law School’s Annual Meeting - Atlanta, Georgia - January, 2004

“Who Decides and What Difference Does It Make?: Defining Marriage in ‘Our’ Democratic, Federal Republic,” - Symposium on The Future of Marriage and Claims for Same-Sex Unions - Brigham Young University - August 2003

“Liberty, Equality, and Fraternity: The Challenge of Defining Indigenous Peoples” - 16th Annual Sovereignty Symposium - Oklahoma City, Oklahoma - May 2003

“Who’s In Charge Here?: Tribal, State and Federal Authority over Resource Development in Indian Country” - 47th Annual Rocky Mountain Mineral Law Institute - Santa Fe, New Mexico - July 2001

“The Supreme Court’s New Federalism” - Utah Municipal Attorneys Association Spring Conference - Springdale, Utah - May 2001

“Reviving Federalism the Right Way: A Critique of the Supreme Court’s 10th and 11th Amendment Jurisprudence,” And Government For All CLE, Salt Lake City, Utah - May 2000

“Limits to Congressional Regulation of State and Local Government” 18th Annual State and Local Government Conference - Provo, Utah - March 2000

“Protecting the Sacred Sites of Indigenous People in U.S. Courts: Reconciling Native American Religion and the Right to Exclude,” Tribal Sovereignty Symposium on Sacred Sites and Modern Lives, St. Thomas University School of Law - Miami, Florida - February 2000

“Tribal Jurisdiction over Non-Members in Indian Country: Supreme Court Caselaw in the 1990’s,” ABA Section of Environment, Energy, and Resources Section Fall Meeting - San Diego, California - October 1999

“Federal Common-Law Limits on Tribal Civil Jurisdiction over Non-Indians Involved in On-Reservation Resource Development Projects: Following the *Strate* Path,” Rocky Mountain Mineral Law Foundation Seminar on Natural Resources Development & Environmental Regulation in Indian Country,” - Denver, Colorado - May 1999

“Who’s in Charge Here?: Relationships Among Elected County Officials,” Annual Training Conference, Statewide Association of Public Attorneys of Utah, Moab, Utah - October 1998

“La Libertad Religiosa en el Derecho Internacional: Implicaciones Por el Perú” (Religious Liberty in International Law: Implications for Peru), Forum on the Constitution and Religious Liberty sponsored by the Ministry of Justice of Peru and the International Academy for Freedom of Religion and Belief, Lima, Peru - June 1998

“The Clause in Adam’s Will: Property Rights of Indigenous Peoples in the ‘New World,’” Constitutional Law Section of the 34th Conference of the InterAmerican Bar Association, Lima, Peru - May, 1998

“Evaluating Indian Law in the ‘New World,’” Constitutional Law Section of the 33rd Conference of the InterAmerican Bar Association, Rio de Janeiro, Brazil - May, 1997

“A Comparative Law Paradigm for Indian Law,” University of Utah Comparative Law Conference, Salt Lake City, Utah - October, 1996

“Helping Domingo and Cooper: The Importance of Comparative Law Analysis for Federal Indian Law,” 9th Annual Sovereignty Symposium, Tulsa, Oklahoma - June, 1996

“The Role of Groups in Constitutional Democracies: A Lesson From the Indigenous Peoples of Chile and the United States,” Constitutional Law Section of the 32nd Conference of the InterAmerican Bar Association, Quito, Ecuador - November, 1995

CIVIC AND PROFESSIONAL CONTRIBUTIONS

Commissioner, Northwest Commission on Colleges and Universities (2018 – 2024)
Member, Association of American Law Schools Membership Review Committee (2008-2011)
 Chair (2010-2011)
Member, Utah State Constitutional Revision Commission (1997 - 2009)
 Chair (2003 - 2009)
 Vice Chair (2001 - 2003)
Chair, Judicial Nomination Commission, 4th District State of Utah (2007 - 2008)
Coach, Jr. Jazz Youth Basketball Team (1996 -1999, 2001, 2003, 2004)
Team Leader, Utah Attorney General's Community Action Team Utah County (1993 - 1996)
Consultant, Utah Legislative Task Force on Tort and Insurance Reform (1988-1989)
Past Drafter of Questions for Arizona State Bar Exam

UNIVERSITY COMMITTEES AND ASSIGNMENTS

Faculty Athletic Representative to the NCAA (2000 - 2004)
 Member, Joint Council, Mountain West Conference (2000-2004)
Member, University Information Technology Requirements Committee (2000 - 2001)
Chair, University Athletic Advisory Council (1992 - 2000)
 Chair, Self-Study Steering Committee for NCAA Certification (1997-1999)
Member, University Athletic Drug Testing Policy Committee (1998 - 2000)
Member, University Ad-hoc Task Force on Domestic Violence (1995-96)
Member, University Curriculum Review Committee (1996-97)
Member, University Research and Creative Work Committee (1995-96)
Member, University Off-Campus Housing Arbitration Panel (1987-89)

PROFESSIONAL ASSOCIATIONS

Arizona State Bar Association
InterAmerican Bar Association

OTHER EXPERIENCE

Full-time Missionary for The Church of Jesus Christ of Latter-day Saints - Monterrey, Mexico (1975-1977)
Underground Coal Miner, Plateau Mine - Wattis, Utah (Summers 1977, 1978)