

James M. Oleske, Jr.

Professor of Law, Lewis & Clark Law School
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ACADEMIC POSITIONS

Lewis & Clark Law School, Portland, OR

Professor, 2018-; Associate Professor with Tenure, 2016-2018; Associate Professor, 2014-2016; Assistant Professor, 2012-2014; Visiting Professor, 2011-2012

Courses: Administrative Law, Constitutional Law I, Constitutional Law II,
Religion & the Law, Torts

Recipient of the 2014 Leo Levenson Award for Excellence in Teaching

Cardiff University, Centre for Law and Religion, Cardiff, Wales, United Kingdom

Fulbright Scholar, January-June 2019

The Ohio State University, Moritz College of Law, Columbus, OH

Visiting Lecturer & Director of Moot Court, 1999-2000

Courses: Religion & the Law, Advanced Appellate Advocacy

OTHER EMPLOYMENT

The White House, Washington, DC

Chief of Staff, Office of Legislative Affairs, January 2009-February 2011

Served as senior advisor to the Director of White House Legislative Affairs and managed operations in the President's legislative affairs office during the first two years of the Obama Administration.

Oregon Senate, Salem, OR

Chief of Staff, Senate Majority Office, October 2006-April 2008

Communications Director, Senate Majority Office, January 2006-September 2006

Served as senior advisor to the Majority Leader and lead staffer for the 18-member Democratic Caucus. Oversaw all policy, communications, and administrative services provided to the caucus.

United States Senate, Washington, DC

Counsel, Office of Senate Democratic Leader Tom Daschle, 2004

National Labor Relations Board, Washington, DC

Appellate Attorney, August 2000-January 2004

Argued 11 cases in the federal courts of appeals.

Mayer, Brown & Platt, Washington, DC

Associate, 1998-1999

The Honorable Samuel A. Alito, Jr., U.S. Court of Appeals for the Third Circuit, Newark, NJ

Law Clerk, 1997-1998

EDUCATION

Georgetown University Law Center, Washington, DC

Juris Doctor, summa cum laude, May 1997

Graduated First in Class

John F. Kennedy Labor Law Award

Associate Editor, GEORGETOWN LAW JOURNAL

Member, Georgetown Appellate Litigation Clinic

Best Advocate, Beaudry Cup Moot Court Competition

Middlebury College, Middlebury, VT

Bachelor of Arts, cum laude, May 1994

Honors in Major (English)

Editor in Chief, THE MIDDLEBURY CAMPUS (student newspaper)

SCHOLARSHIP

Articles and Essays

Free Exercise (Dis)Honesty, 2019 WISCONSIN LAW REVIEW (forthcoming)

A Regrettable Invitation to “Constitutional Resistance,” Renewed Confusion Over Religious Exemptions, and the Future of Free Exercise

20 LEWIS & CLARK LAW REVIEW 1317 (2017)

Grand Theory or Discrete Proposal? Religious Accommodations and Health Related Harms

73 WASHINGTON & LEE LAW REVIEW ONLINE 387 (2016) (invited essay)

“State Inaction,” Equal Protection, and Religious Resistance to LGBT Rights

87 UNIVERSITY OF COLORADO LAW REVIEW 1 (2016)

Doric Columns Are Not Falling: Wedding Cakes, the Ministerial Exception, and the Public-Private Distinction

75 MARYLAND LAW REVIEW 142 (2015) (invited essay)

The Evolution of Accommodation: Comparing the Unequal Treatment of Religious Objections to Interracial and Same-Sex Marriages

50 HARVARD CIVIL RIGHTS-CIVIL LIBERTIES LAW REVIEW 99 (2015)

Selected by UCLA’s Williams Institute for a 2016 Dukeminier Award (the Stu Walter Prize), which recognizes the best recent legal scholarship on sexual orientation and gender identity

The Born-Again Champion of Conscience

128 HARVARD LAW REVIEW FORUM 75 (2015) (invited book review)

The Public Meaning of RFRA versus Legislators’ Understanding of RLPA

67 VANDERBILT LAW REVIEW *EN BANC* 125 (2014) (invited essay)

Obamacare, RFRA, and the Perils of Legislative History

67 VANDERBILT LAW REVIEW *EN BANC* 77 (2014) (invited essay)

Lukumi at Twenty: A Legacy of Uncertainty for Religious Liberty and Animal Welfare Laws

19 ANIMAL LAW 295 (2013)

Federalism, Free Exercise, and Title VII: Reconsidering Reasonable Accommodation,

6 UNIVERSITY OF PENNSYLVANIA JOURNAL OF CONSTITUTIONAL LAW 525 (2004)

Undue Burdens and the Free Exercise of Religion: Reworking a “Jurisprudence of Doubt,”

85 GEORGETOWN LAW JOURNAL 751 (1997) (student note)

Amicus Brief

Brief of Amici Curiae Public Accommodation Law Scholars in Support of Respondents,

Masterpiece Cakeshop, Ltd. v. Colorado Civil Rights Commission (Oct. 30, 2017) (with Samuel Bagenstos, Nan D. Hunter, Elizabeth Sepper, and Joseph William Singer)

In-Depth Legal Blog Posts

Justice Gorsuch, Kippahs, and False Analogies in Masterpiece Cakeshop, TAKE CARE (6/19/2017)

Doubling Down on a Deeply Troubling Argument in Masterpiece Cakeshop, TAKE CARE (11/14/2017)

One Notable Cost of Fidelity to Smith, TAKE CARE (9/28/2017)

Masterpiece Cakeshop and the Effort To Rewrite Smith and its Progeny, TAKE CARE (9/21/2017)

Animus Revisited: DOJ Fails To Explain Change in Position on Relevance of Campaign Statements, TAKE CARE (6/23/2017)

Anti-Catholic Animus, Blaine Amendments, and the Trump Travel Ban, TAKE CARE (6/15/2017)

Robert George, Constitutional Exemption Rights, RFRA, and the Harvard Law Review, MEDIUM (7/1/2016)

SELECTED PRESENTATIONS

Can a Law Right a Wrong?, Panel Discussion on the Experience of Japanese Americans during World War II, the Redress Movement, and Lessons for Today, Lewis & Clark Law School, Portland, OR, September 2018 (provided an overview of the Supreme Court’s WWII-era decisions and then moderated a discussion with attorneys who represented Gordon Hirabayashi, Fred Korematsu, and Minoru Yasui in litigation seeking to overturn their convictions)

Masterpiece Cakeshop v. Colorado, Debate with Ilya Shapiro of the Cato Institute, Joint ACS/Federalist Society Event, Willamette Law School, Salem, Oregon, February 2018

Gun Laws and the Second Amendment, Panelist, League of Women Voters of Portland, Portland, OR, March 2017

Animal Law and the First Amendment, 24th Annual Animal Law Conference, New York, NY, October 2016

Religious Exemptions and LGBT Rights, Washington State Judges Conference, Spokane, WA, September 2016

State Inaction, Equal Protection, and Religious Resistance to LGBT Rights, Rocky Mountain Lecture Series, Boulder, CO, March 2016

Religious Exemptions and LGBT Rights, Panelist, Washington State Attorney General's Office Conference, Lakewood, WA, October 2015

State Inaction and the Public-Private Distinction, Maryland Constitutional Law Schmooze, Baltimore, MD, February 2015

State Inaction, Equal Protection, and Religious Resistance to LGBT Rights, Fifth Annual Law & Religion Roundtable, St. Louis, MO, June 2014, and International Consortium for Law and Religion Studies, Richmond, VA, August 2013 (the paper presented at these conferences was later split into two separate articles, with the first one being *The Evolution of Accommodation: Comparing the Unequal Treatment of Religious Objections to Interracial and Same-Sex Marriages*)

Lukumi at Twenty: A Legacy of Uncertainty for Religious Liberty and Animal Welfare Laws, Animal Law Review Symposium, Portland, OR (October 2012)

SELECTED LAW SCHOOL SERVICE

Faculty Appointments Committee (2018-Present)

Budget Committee (2012-2017)

Planning Committee, Annual Lewis & Clark College Free Speech Symposium (2017-Present)

Cornelius Selection Committee (2018)

Organizer, *Lewis & Clark Law Review* Paper Symposium: "Law & Religion in an Increasingly Polarized America" (2016-2017)

Public Interest Law Project Stipend Board (2016-2017)

Alumni Board, Faculty Representative (2015-2016)

Judicial Clerkship Workgroup (2013-2015)

Minta Hicks Newell Memorial Scholarship Selection Committee (2014)

Admissions Strategy Committee (2013-2014)

PILP Advisory Board (2012-2014)

Long Term Planning Committee (2012-2013)

Gantenbein Scholarship Selection Committee (2013)