

MARK C. RAHDERT

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TEACHING EXPERIENCE

James E. Beasley School of Law at Temple University

PROFESSOR OF LAW: 1990 – Present
CHARLES KLEIN PROFESSOR OF LAW & GOVERNMENT 2008 – 2013
ASSOCIATE DEAN FOR ACADEMIC AFFAIRS: 1999 – 2003
I. HERMAN STERN PROFESSOR OF LAW: 1995 – 1998
ASSOCIATE PROFESSOR OF LAW: 1988 – 1990
ASSISTANT PROFESSOR OF LAW: 1984 – 1988

Rutgers, the State University of New Jersey School of Law, Camden

CO – ADJUTANT PROFESSOR OF LAW, 1983, 1984

COURSES TAUGHT (* = CURRENT)

Appellate Advocacy; Constitutional Law*; Comparative Constitutional Law;
Cyberlaw & Policy; Federal American Indian Law; Federal Courts &
Jurisdiction; Insurance; Political and Civil Rights; Products Liability; Religious
Rights under the U.S. Constitution; Supreme Court Seminar*; Torts*

EDUCATION

YALE LAW SCHOOL: J.D., 1978
Note Editor, *Yale Law Journal*, 1977-78
Ivan Meitus Prize

HARVARD UNIVERSITY: A.B., 1974
Summa cum laude, Phi Beta Kappa
Harvey Munn Prize
National Merit Scholar

HAVERFORD COLLEGE, 1970-72

EXPERIENCE

Dechert, Price & Rhoads, Philadelphia, Pennsylvania
Associate, 1980 – 84

Supreme Court of the United States
Law Clerk to Associate Justice Harry A. Blackmun, 1979 – 80

United States Court of Appeals, Second Circuit
Law Clerk to Circuit Judge Murray I. Gurfein, 1978 – 79

Davis, Polk & Wardwell, New York, New York
Summer Associate, 1977

Holland & Knight, Tampa Florida
Summer Associate, 1976

Haverford College
Assistant to the President, 1974 – 75

New York City Police Department (7th Precinct Office of Community Relations)
Management Intern, Summer 1973

PUBLICATIONS & RESEARCH

Books

Torts: Cases and Problems, (Carolina Academic Press, 4th ed., 2018) (with Frank J. Vandall and Ellen Wertheimer)

Covering Accident Costs: Insurance, Liability and Tort Reform (Philadelphia PA: Temple University Press, 1995)
(Received the Clarence Arthur Kulp Memorial Award, American Risk and Insurance Association, 1996)

Articles

The Force Awakens: Tincher, Section 402A and the Third Restatement in Pennsylvania, 27 WIDENER COMMW. L. REV. 157 (2018) (with Ellen Wertheimer)

Exceptionalism Unbound: Appraising American Resistance to Foreign Law, 65 CATHOLIC U. L. REV. 537 (2016)

Court Reform and Breathing Space under the Establishment Clause, 87 CHICAGO - KENT L. REV. 835 (2012)

Preparing for the Global Law Practice: The Need to Include International and Comparative Law in the Legal Writing Curriculum, 17 LEGAL WRITING: J. LEGAL WRITING INST.1 (2011) (with Susan DeJarnatt)

Forks Taken and Roads Not Taken: Reciprocity and Standing to Challenge Faith-Based Spending, 32 CARDOZO L. REV. 1009 (2011)

Double-Checking Executive Emergency Power: Lessons from Hamdi and Hamdan, 80 TEMPLE L. REV. 451 (2007)

Comparative Constitutional Advocacy, 56 AMERICAN U. L. REV. 553 (2007)

The Schiavo Litigation: A Case Study in Federalism, 15 TEMPLE POL. & CIV. RIGHTS L. REV. 423 (2006)

In Search of a Conservative Vision of Constitutional Privacy: Two Case Studies from the Rehnquist Court, 51 VILLANOVA L. REV. 859 (2006)

Reconstructing Marbury, 57 ARKANSAS L. REV. 730 (2005) (with Robert Reinstein)
(Received the Friel-Scanlan Award for Scholarship, Temple University Beasley School of Law, 2006)

Obstacles and Wrong Turns on the Road from Brown: Milliken v. Bradley and the Quest for Racial Diversity in Education, 13 TEMPLE POL. & CIV. RIGHTS L. REV. 785 (2004)

Arline's Ghost: Some Notes on Working as a Major Life Activity under the ADA, 9 TEMPLE POL. & CIV. RIGHTS L. REV. 101 (2000)

Reasonable Expectations Revisited, 5 CONNECTICUT INSURANCE L.J. 108 (1998-99)

A Jurisprudence of Hope: Justice Harry A. Blackmun and the Freedom of Religion, 22 HAMLIN L. REV. 1 (1998)

Same-Sex Relationships: A Constitutional Commentary, 7 TEMPLE POL. & CIV. RIGHTS L. REV. 495 (1998)

Transracial Adoption - A Constitutional Perspective, 68 TEMPLE L. REV. 1687 (1995)

Preserving the Archives of Freedom: Justice Blackmun and First Amendment Protections for Libraries, 97 DICKINSON L. REV. 437 (1993)

Distributing the First Fruits: Statutory and Constitutional Implications of Tithing in Bankruptcy, 26 U.C. DAVIS L. REV. 853 (1993) (with Donald Price)

The First Amendment and Media Rights during Wartime: Some Thoughts after Operation Desert Storm, 36 VILLANOVA L. REV. 1513 (1991)

Sprague v. Casey and its Seven Deadly Sins, 62 TEMPLE L. REV. 625 (1989)

William Rehnquist's Judicial Craft: A Case Study, 60 TEMPLE L. Q. 841 (1987)

Reasonable Expectations Reconsidered, 18 CONNECTICUT L. REV. 323 (1986)

The Completed Operations Hazard, 19 FORUM 570 (1984) (with Robert Landis)

Short Articles and Book Reviews

“Taking Exception to Exceptionalism: Appraising American Resistance to Internationalization of Law,” http://www.globalcourts.edu.au/wp-content/uploads/2011/03/Australia_Piece.pdf (2010)

Scholars' Dean: The Dean as Scholar, 81 TEMPLE L. REV. 633 (2008) (tribute to Dean Robert Reinstein)

“The Long Shadow of Joseph McCarthy: Academic Freedom and Campus Hate Speech during the War on Terrorism,” 2007 National Conference on Higher Education

“Of Personality and Principle: ‘The Supreme Court,’” Chronicle of Higher Education B14 (February 2, 2007) (review of *The Supreme Court* PBS series and of Jeffrey Rosen, *The Supreme Court: The Personalities and Rivalries that Defined America*)

Religious and Political Freedom, National Institute of Trial Advocacy Commentaries (Lexis/Nexis online publication, 2006)

“Privacy, Patriotism, and Academic Freedom: The USA PATRIOT Act’s Challenges for Higher Education,” 2005 National Conference on Higher Education

The Future of Temple Law Review: Stasis and Change, 75 TEMPLE L. REV. 13 (2002) (with Laura Little)

“Recent Supreme Court Developments Affecting Higher Education,” 2001 National Conference on Law and Higher Education

“The Constitution, Academic Freedom, and the Essential University: Overview,” 1999 National Conference on Law and Higher Education

The Toughest Job Interview in the Land, 2 TEMPLE POL. & CIV. RIGHTS L. REV. 293 (1993) (Review of Paul Simon, *Advice & Consent: Clarence Thomas, Robert Bork and the Intriguing History of the Supreme Court's Nominating Battles*)

“Whither PC after *R.A.V.*?” 1993 National Conference on Law and Higher Education

Semper Fidelis, 62 TEMPLE L. REV. 809 (1989) (tribute to Judge James Hunter, III)

“Book Review,” 32 AMERICAN J. LEGAL HIST. 391 (1988) (Review of R. Kent Newmyer, *Supreme Court Justice Joseph Story: Statesman of the Old Republic*)

Of Impressionists and Rorschach Blots, 86 COLUMBIA L. REV. 1283 (1986) (Review of Lawrence Friedman, *Total Justice*)

“Book Review,” 58 *TEMPLE L. Q.* 577 (1985) (Review of Richard Posner, *The Federal Courts: Crisis and Reform*)

Federalism's Man in the Middle: An Imaginary Interview with Justice White, 9 *URBAN, STATE & LOCAL LAW NEWSLETTER* 2 (1985)

Commentary

“A Model Great Case – *Gideon v. Wainwright*,” *National Law Journal*, October 15, 2007

“The Roberts Court and Academic Freedom,” *Chronicle of Higher Education*, July 27, 2007)

“Risking Public Safety,” *National Law Journal*, December 12, 2005 (with Frank McClellan)

“The Court Begins to Shift,” *Chronicle of Higher Education*, July 1, 2005 (with Lawrence White)

“Say It’s a Cliché, Just as Long as You Say It,” *National Law Journal*, July 17, 2000

“Remembering Harry Blackmun,” *ABA Journal*, April 20, 1999

“Remembering Blackmun: A Pivotal Figure in Legal History and in Life,” *Philadelphia Inquirer*, March 7, 1999

“Consider Three Other Amendments,” *Philadelphia Inquirer*, June 25, 1990

“The People Speak on Insurance,” *Philadelphia Inquirer*, December 17, 1988

Student Publication

Note, *Tracking Katz: Beepers, Privacy and the Fourth Amendment*, 86 *YALE L. J.* 1461 (1977)

REPRESENTATIVE SPEAKING ENGAGEMENTS

“The Critical Significance of an Independent Judiciary,” TEDxCapeMay, October 2018, Presenter

“Monitoring Developments in Tort Law,” Villanova University Charles Widger School of Law Faculty Colloquium Series, Co-presenter, September 2018

“President Trump and the Emoluments Clauses,” City of Philadelphia “Life in the Big City” CLE Conference XXIV, July 2018, Presenter and Panelist

“President Trump and the Emoluments Clauses,” Philadelphia Bar Association Government and Public Service Committee, March 2018, Presenter and Panelist

“Executive Power in the Time of Trump,” Federal Bar Association, February 2017, Presenter and Panelist

“Introduction to American Constitutional Law,” Chinese Lawyers’ Association, November 2016, Presenter

“The Supreme Court’s Coming Term,” Federation of Defense and Corporate Counsel Symposium, September 2016, Presenter and Panelist

“Voter ID Laws: The Pennsylvania Experience,” Legal Division, Special Libraries Association Annual Meeting, June 2016, Presenter and Panelist

“Justice Sotomayor: An Early Appraisal,” Pennsylvania Bar Association Women in Practice Section Annual Meeting, May 2016, Presenter and Panelist

“The First Amendment in the Roberts Court,” Philadelphia Bar Institute Constitutional Law Conclave, October 2015, Presenter and Panelist

“Can Hate Speech Be Regulated?” Hate Speech/Free Speech: Why Should It Matter? University of Delaware, April 2015, Presenter and Panelist

“*Charlie Hebdo* and Protections for Freedom of Expression: Comparing the US and the EU,” Chancellor’s Forum, Philadelphia Bar Association, February 2015, Presenter

“Looking Ahead to the Supreme Court’s October 2014 Term,” Lehigh County Bar Association Bench-Bar Conference, October 2014, Presenter

“Introduction to Torts,” Philadelphia Diversity Law Group “Boot Camp,” August 2014, Presenter

“Executive Refusal to Enforce the Law,” Philadelphia Federalist Society, May 2014, Presenter and Panelist

“Drawing Lines down Slippery Slopes: The Problem of Corporate Religious Exemption under the Free Exercise Clause, RFRA, and the Affordable Care Act,” Franklin & Marshall College, April 2014, Presenter and Panelist

“Marriage, the Courts, and the Constitution: A Response to Professor Eastman,” Villanova University Ryan Center, Constitution Day Conference, September 2013, Presenter

“The Relative Roles of Roberts and Kennedy on the Court,” Decisions Made, Votes Cast, and Policies Implemented: The Role of the Supreme Court in

American Policy and Politics, Kutztown University, Kutztown PA, November 2012, Presenter and Panelist

“Introduction to Torts,” Philadelphia Diversity Law Group “Boot Camp,” August 2012, Presenter

“The Constitution and U.S. Elections,” Institute of International Education, Philadelphia Fulbright Seminar, April 2012, Presenter and Panelist

“*Hot Coffee*: Tort Reform and Judicial Elections,” Lightstream Communications CLE Program, March 2012, Presenter and Panelist

“*Hot Coffee*: Screening and Discussion of Tort Reform” First Person Arts and University of Pennsylvania School of Law, September 2011, Panelist

“Introduction to Torts,” Philadelphia Diversity Law Group “Boot Camp,” July 2011, Presenter

“An Introduction to American Constitutional Law,” Dialogue Institute, Program on Religious Pluralism in America, June 2011, Presenter

“Preparing for the Globalized Law Practice: The Need to Include International and Comparative Law in the Legal Writing Curriculum,” Empire State Legal Writing Conference, St. John University School of Law, May 2011, Co-Presenter

“Preparing for the Globalized Law Practice: The Need to Include International and Comparative Law in the Legal Writing Curriculum,” Capital Area Legal Writing Conference, George Washington University School of Law, February 2011, Co-Presenter

“Life at the Supreme Court,” Keynote Address, Pennsylvania We the People Competition, Freedoms Foundation, Presenter, February 2011

“An Introduction to American Constitutional Law,” Dialogue Institute, Program on Religious Pluralism in America, January 2011, Presenter

“Taking Exception to Exceptionalism: Appraising American Resistance to the Internationalization of Law,” Through the Looking Glass: National Engagement with International and Foreign Law & Government (Sponsored by Monash University), Sydney, Australia, December 2010, Presenter & Panelist

“The U.S. Supreme Court: Looking Forward to the October '10 Term,” Lehigh County Bar Association, October 2010, Presenter

“Constitutional Religious Freedom in the United States,” Dialogue Institute, Program on Religious Pluralism in America, July 2010, Presenter

“Introduction to Torts,” Philadelphia Diversity Law Group “Boot Camp,” July

2010, Presenter

“The First Year of the Obama Administration” Pennsylvania Bar Institute, January 2010, Moderator

“The U.S. Supreme Court: Looking Forward to the October '09 Term,” Lehigh County Bar Association, September 2009, Presenter

“The Supreme Court’s October '08 Term: End of Term Review,” Temple University Beasley School of Law, August 2009, Presenter

“Preparing for the Globalized Law Practice: The Need to Include International and Comparative Law in the Legal Writing Curriculum,” Georgetown University Law School Global Legal Skills Conference IV, June 2009, Co-Presenter & Panelist

“The First 100 Days of the Obama Administration: Law & Policy Implications,” Pennsylvania Bar Institute, May 2009, Moderator

“The Supreme Court in American Law and Politics,” Adams Center for Law & Society, Susquehanna University, September 2008, Presenter & Panelist

“The U.S. Supreme Court: Looking Forward to the October '08 Term,” Lehigh County Bar Association, September 2008, Presenter

“The Electoral College: Is This Any Way to Pick a President?” Jewish Federation of Greater Philadelphia, July 2008, Presenter

“The Next Level in the Second Amendment Debate,” Temple Federalist Society, April 2008, Commenter

“Constitution Building,” *Temple Law Review* Symposium, “Law Without Borders,” 2008, Moderator

“Comparative Constitutional Omission,” Delaware Valley International Law Day, November 2007, Commenter

“*Marbury* in the New Millennium,” Temple University Friel-Scanlan Lecture, November 2007, Presenter

“The Jena Affair and the Constitution,” American Constitution Society (Temple Chapter), October 2007, Presenter

“Executive Power: Exploring the Limits of Article II” *Temple Law Review* Symposium, March 2007, Presenter & Panelist

“The Supreme Court Docket, October '06 Term,” Lehigh County Bar Association, October 2006, Presenter

“Hamdan v. Rumsfeld: Correcting for Executive Tilt,” Temple University Institute for International Law and Public Policy, October 2006, Presenter & Panelist

“Commercial Speech and Media Taxation: Will the Roberts Court Take a New Direction?” Outdoor Advertising Association of America National Conference, April 2006, Presenter

“The New Supreme Court: Where is it Headed?” Philadelphia Bar Association, April 2006, Presenter & Panelist

“The Supreme Court in the 21st Century: From Rehnquist to Roberts & Beyond,” Friends’ Central School Parents & Alumni Lecture Series, February 2006, Presenter

“The Right to Privacy in the New Millennium,” Villanova Law Review Symposium, November 2005, Presenter & Panelist

“The Patriot Act Reauthorization and the Threat to Academic Freedom,” National Lawyers’ Guild (Temple Law School Chapter), October 2005, Presenter

“End of Life Decisionmaking: The Right to Die?” Temple Political & Civil Rights Law Review Symposium, October 2005, Presenter & Panelist

“The Roberts Court: and the O’Connor Vacancy,” American Constitution Society (Philadelphia Chapter), October 2005, Presenter & Panelist

“The Rehnquist Legacy and the Roberts Court’s Future,” American Constitution Society (Temple Chapter), September 2005, Presenter & Panelist

“The USA PATRIOT Act’s Challenges for Higher Education,” National Conference on Law and Higher Education, February 2005, Presenter & Panelist

“The Impact of the 2004 Elections on the Supreme Court, and the Potential Impact of the Supreme Court on the 2004 Election,” Temple University Alumni Association, October 2004, Presenter

“The Blackmun Papers: An Archivist’s Archive,” Villanova University School of Law Faculty Colloquium, March 2004, Presenter

“Governmental Tort Liability and Immunity: Lessons from the American Experience,” Tort Reform Symposium, Tsinghua University (China), October 2003, Presenter & Panelist

“The Constitutional War Powers Implications of Military Action in Iraq,” Temple Institute for International Law and Public Policy, Lecture Series on War in Iraq, 2002, Presenter & Panelist

“Religious Tolerance in the American Legal System,” (Organized for a group of visiting African Journalists by the Visitors Council of Philadelphia), 2002, Presenter

“The War on Terrorism: A New Quagmire?” Temple Institute for International Law and Public Policy, Lecture Series on Law and Terrorism, 2002, Presenter & Panelist

“The Ethics of Judicial Intervention in the 2000 Presidential Election,” *Temple Political & Civil Rights Law Review* Symposium, Constructive Disenfranchisement: The Problems of Access and Ambiguity Facing the American Voter, 2001, Presenter & Panelist

“The Law of Voting Rights: Problems and Solutions” *Temple Political & Civil Rights Law Review* Symposium, Constructive Disenfranchisement: The Problems of Access and Ambiguity Facing the American Voter, 2001, Moderator

“The Future of Higher Education Law in the U.S. Supreme Court”, National Conference on Law and Higher Education, 2001, Co-presenter

“The Future of *Roe* and *Casey*,” Temple Women’s Law Caucus, 2001, Presenter

Debate on Police Handling of Protestors at the 2000 Republican National Convention, Hopkinson House Civic Association, Philadelphia, PA, 2000, Presenter

“How Cases Get to the Supreme Court,” Temple Moot Court Honor Society, 2000, Presenter

“Are School Vouchers Constitutional?” Temple Student Bar Association, 1999, Presenter & Panelist

“The Constitution, Academic Freedom, and the Essential University,” National Conference on Law and Higher Education, 1999, Moderator

“Impeachment: A Roundtable Discussion,” Temple University Legal Ethics Society, 1998, Panelist

“How to Respond to Hate Speech and Hate Group Activity within the Boundaries of the First Amendment,” National Conference on Law and Higher Education, 1998, Respondent

“Reasonable Expectations Revisited,” Symposium on the Doctrine of Reasonable Expectations after Three Decades, Insurance Section Meeting, Association of American Law Schools, 1998, Presenter & Panelist

“Religion, Morality and Sexuality,” Symposium, Constructing Family, Constructing Change: Shifting Legal Perspectives on Same-sex Relationships, Temple University School of Law, 1997, Moderator

“Products Liability: The Impact of the Third Restatement,” Temple Law Alumni/ae Association, 1996, Presenter & Panelist

“Workplace Privacy and Confidentiality,” Lehigh University Education Law Conference XXIII, 1996, Presenter

“Was the Constitution Really Intended to Be Freely Amended?” Phi Beta Kappa Association of the Delaware Valley, 1995, Presenter

“Pornography, Violence against Women, and the First Amendment” (Debate), Daroff Campus - Philadelphia Jewish Community Center, 1995, Presenter & Respondent

“Law Day Address: *Brown v. Board of Education* 50 Years Later,” Berks County Bar Association, 1994, Presenter

“The University as a Marketplace of Ideas,” National Conference on Law and Higher Education, 1994, Panelist

“Constitutional Implications of Tort Liability for Faith Healing,” Temple Christian Legal Society, 1993, Presenter

“The Short Life of the Political Correctness Doctrine: Does the Supreme Court's Decision in *R.A.V. v. City of St. Paul* Invalidate the Regulation of the Content of Student Speech, Even if Harassive?” National Conference on Law and Higher Education, 1993, Panelist

“Interpreting Our Original Constitution: A Panel Discussion,” Temple Federalist Society, 1993, Panelist

“The Arts: The First Amendment's Second-Class Citizen,” Delaware Center for the Contemporary Arts, Forum on Artistic Freedom, 1991, Presenter

“Redirecting Religious Liberties: The *Peyote* Case and the Jurisprudence of the Rehnquist Court” Temple-LEAP Seminar on the Bill of Rights, 1991, Presenter

“Affirmative Action and the Rehnquist Court: Some Lessons from the October 1988 Term,” Temple Law Alumni Association, 1990, Presenter

“The First Amendment: Have We Gone Too Far?” ABA Appellate Judges' Seminar, 1989, Keynote Speaker & Panelist

“The Constitutionality of the Federal Independent Counsel Statute,” (Debate) Philadelphia Federalist Society, 1987, Respondent

“How the U.S. Supreme Court Looks at the Constitution,” Constitutional Conference for Delaware Valley High School Students, 1987, Presenter

Symposium on Tort Reform, Temple Law School Barrister's Society, 1986, Moderator

Seminar on Academic Freedom (Organized for a group of Chinese Professors by the U.S. State Dept. and Philadelphia Visitor's Bureau), 1986, Panelist

SELECT UNIVERSITY AND LAW SCHOOL SERVICE

University

University Faculty Senate (5+ years)

Past President 2014-2016

President 2013-2014

Vice President 2012-2013

Secretary 2011-2012

Faculty Senate Steering Committee (2009-2016, 2018 – present)

Faculty Senate Nominating Committee (Chair 2015)

Educational Programs and Policies Committee

University Personnel Committee

Provost Task Force on Campus Recreation (2015)

Presidential Inauguration Committee (2013)

Ad Hoc Committees on Mission, Tuition, Student Retention, Athletic Center

Inauguration, Faculty Quality of Life

Editorial Board, Temple *Faculty Herald*

Law School Dean Search Committee (1990-91)

Law School

Library Director Search Committee (2 years)

Strategic Planning (Co-Chair 2 years)

Faculty Selection (5+ years)

Faculty Review [Tenure & Promotions] (5+ years, Chair 2 years)

Curriculum (5+ years, Chair 1 year)

Faculty Chairs & Awards (5+ years, Chair 2 years)

Re-accreditation Self-Study (Chair)

Administrative Committee (Chair 2 years)

Executive Committee

Faculty Union Compensation Committee

Admissions

Moot Court (5+ years)

Temple Law Review Advisor (5+ years)

PUBLIC SERVICE

Golden Cradle, Inc.

Trustee, 2001 - 2009

Diversified Community Services, Inc.

Director, 1983 - 1989

PROFESSIONAL ASSOCIATIONS

American Bar Association, 1980 – Present

Tort and Insurance Section

Section on Individual Rights & Responsibilities

Section on Legal Education & Admission to the Bar

Consultant: Central and East Europe Law Initiative, 1992 – 1993

Contributor: ABA Standing Committee on Federal Judicial Improvements,
Media Alerts on Federal Courts of Appeals Project, 2010, 2012-13

Association of American Law Schools, 1984 – Present

LICENSES

Admitted to Practice Law:

Pennsylvania, 1980

U. S. District Court, E.D. Pa., 1980

U.S. Court of Appeals, 3d Circuit, 1982