

## JAMES A. DAVIDS

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### *Office address*

Assistant Professor of Government & Law  
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### EDUCATION

1969-1973: Calvin College, Grand Rapids, Michigan  
*A.B. degree in Political Science*

1973-1976: Duke University School of Law, Durham, North Carolina  
*J.D. degree.*

2005-present: Regent University School of Education, Virginia Beach, Virginia  
*Ph.D. degree anticipated in 2010.*

### LAW SCHOOL HONORS AND ACTIVITIES

Staff, Duke Law Journal (1974-1975)  
Board of Editors, Duke Law Journal (1975-1976)  
Chairman, Law Day – 1975

### EMPLOYMENT

- 1976-1982: Burditt and Calkins, 135 South LaSalle Street, Chicago, Illinois 60603. Primary emphasis: federal regulatory law, especially food and drug law. My experience included defending clients in regulatory actions (both criminal and civil cases) brought by the Food and Drug Administration.
- 1982-1986: Ruff, Weidenaar & Reidy, Ltd., 222 North LaSalle Street, Chicago, Illinois 60601. Primary emphasis: federal regulatory law, medical malpractice, general business litigation.
- 1986-2001: Hoogendoorn, Talbot, Davids, Godfrey & Milligan, 122 S. Michigan Ave., Chicago, Illinois 60603. Primary emphasis: medical malpractice, employment & civil rights law, tort, and commercial/general business litigation; managed the Firm's Litigation Section.
- 2001-2003: Deputy Director & Counsel, Task Force for Faith-Based & Community Initiatives, Office of the Deputy Attorney General, U.S. Department of Justice, 950 Pennsylvania Ave., N.W., Washington,

D.C. 20530. Primary responsibilities: auditing the Department of Justice's grant programs to eliminate discrimination against faith-based and community organizations; counseling various agencies in the federal government on Church-State issues; monitoring and providing counsel in various First Amendment cases.

2003 – 2004: Visiting Assistant Professor, Regent University Schools of Law and Government, 1650 Diagonal Road, Alexandria, VA.

2003 – 2004: Legislative Counsel, Christian Legal Society, 4208 Evergreen Lane, Suite 222, Annandale, VA 22003-3264. Primary work: Religious liberty and pro-life lobbying.

2004 – present: Assistant Dean for Administration and Assistant Professor of Government & Law, Regent University, 1000 Regent University Drive, Virginia Beach, VA 23464. Responsibilities include administering an office of 20 professors, staff and Graduate Assistants, including the preparation and execution of annual budgets. Responsibilities also include oversight for admissions, placement, alumni relations, and student services for the Robertson School of Government.

2008 – 2009: Acting Executive Director/CEO of the Christian Legal Society, the oldest and largest organization of Christian attorneys in the nation. Responsibilities include directing the operations of 13 staff members.

## LEGAL EXPERIENCE -- EXAMPLES OF CASES TRIED TO VERDICT/APPEALS

***DeBoer v. Village of Oak Park, et al.*, 53 F.Supp.2d 982 (N.D. Ill. 1999), 86 F.Supp.2d 804 (N.D. Ill. 1999); 267 F.3d 558 (7<sup>th</sup> Cir. 2001).** Co-counsel and I represented plaintiffs who were denied the use of Village Hall for a National Day of Prayer event. We challenged the Village ordinance restricting use of the Village Hall on free speech grounds. The Seventh Circuit held the ordinance facially unconstitutional on two grounds, and further held that the Village engaged in viewpoint discrimination by refusing to allow use of the Village Hall for prayer.

***Swanson v. Leggett & Platt, Inc.*, 154 F.3d 730 (7<sup>th</sup> Cir. 1998).** In this age discrimination case, we represented discharged employees in an action against their former employer. The trial court granted summary judgment against certain defendants, and on appeal, this summary judgment was affirmed.

***Heiland v. Jansyn, et al.*, No. 95 L 17007 (Cook County, Hon. William Maki).** In this three-week medical malpractice trial, I was the sole trial counsel for the target defendant cardiologist who allegedly failed to render proper treatment to a wife/mother in her early 50s who died of a heart attack while hospitalized. Plaintiff's counsel asked the jury to award \$6 million in damages. During the course of trial, the defendants offered plaintiff \$1.25 million to settle. After deliberating for more than 2 days, the jury awarded plaintiff \$525,000.

***Gillespie v. Evanston Hospital*, No. 95 L 3193 (Cook County, Hon. Ronald J. P. Banks).** In this two-week medical malpractice trial, I successfully defended an internist who allegedly failed to follow closely his patient who was receiving blood thinners and who allegedly died as the result of blood over-coagulation while hospitalized. Plaintiff's counsel asked the jury to award \$2 million, and the jury returned a not guilty verdict.

***Stermer v. Sethi*, No. 93 L 2323 (Cook County, Hon. Randy Kogan).** In this three-week medical malpractice trial, I represented the sole defendant who allegedly failed to properly monitor his patient's condition after performing surgery. Plaintiff asked the jury to award \$1 million, and the jury returned a verdict for \$150,000 in favor of plaintiff.

***People ex rel. Hansen, et al. v. Phelan, et al.*, No. 92 CH 7252 (Cook County, Hon. Thomas J. O'Brien), 255 Ill. App. 3d 113, 628 N. E. 2d 160 (1<sup>st</sup> Dist. 1993); 158 Ill. 2d 445, 634 N. E. 2d 739 (1994).** Co-counsel and I represented four Cook County Commissioners who challenged the Cook County Board President's authority to

restart elective abortions at Cook County Hospital without a supporting resolution from the County Board of Commissioners. The case was tried for over two weeks before Judge O'Brien on a motion for a preliminary injunction, and Judge O'Brien ruled in favor of the defendant. This decision was affirmed on appeal in a split decision.

***Grusecki v. Hamidi, No. 91 L 6629 (Cook County, Hon. Barbara Disko).*** In this one-week medical malpractice jury trial, I successfully defended an anesthesiologist who perforated plaintiff's esophagus on a third attempt to insert an endo-tracheal tube.

***United States v. Penn Central Railroad and CPC International No. \_\_\_ (U.S.D.C. for the Middle District of Illinois, Hon. Robert Baker).*** In this criminal case brought under the Federal Food, Drug and Cosmetic Act, I represented CPC International as co-counsel. The United States contended that CPC failed to monitor the condition of the rail cars provided it by Penn Central. This alleged failure resulted in corn gluten meal being loaded on lead oxide, which was then sent to a dog food manufacturer. Although the FDCA is a strict liability statute, the jury found CPC not guilty.

***Orth v. Hansen, No. 95 L 14544 (Cook County).*** In this case alleging malicious prosecution, I represented all the defendants and our Motion to Dismiss was granted and affirmed on appeal (No. 96-2196). I argued the motion and the appeal, and wrote the appellate brief.

***A.B. Habighurst v. The Edlong Corporation, et al., 209 Ill. App. 3d 426, 568 N.E.2d 226 (1st Dist. 1991).*** In this employment discrimination case, plaintiff alleged a cause of action based on his employer's written employee manual. I successfully argued a motion to dismiss for the employer, which prevailed on appeal.

***McLeish, et al. v. Sony Corporation of America, 152 Ill. App. 3d 628, 504 N.E.2d 933 (1st Dist. 1987).*** In this case, I represented the defendant in an action resulting from a house fire allegedly caused by one of Sony's electrical appliances. I won a motion for summary judgment, which was affirmed on appeal.

***Evangelical Hospital Association v. Novak, 125 Ill. App. 3d 439, 465 N.E.2d 986 (2nd Dist. 1984).*** In this case, I represented the plaintiff, which owned an office building from which administrative support was provided hospitals. When the DuPage County Treasurer sought to add this property to the tax rolls on the theory that this office building was not functionally different from other office buildings in the area, we brought an injunction action. The trial court granted our motion for summary judgment, which was affirmed on appeal.

***Minelli v. Frank B. Hall & Co., 898 F. Supp. 615 (N.D. Ill. 1995) (Judge James B. Moran).*** I represented the plaintiff in a maritime action against his insurance carrier for breach of contract. I was the principal author of the various motions for summary judgment and the responses to the defendants' motions for summary judgment.

## TEACHING EXPERIENCE

Fall 2003: Co-taught Political Philosophy and The U.S. Experiment I (constitutional law and history) in Regent University's Robertson School of Government ("RSG").

Spring 2004: Co-taught Political Philosophy and The U.S. Experiment II (constitutional law and history) in RSG; developed and taught the Faith-Based & Community Initiatives and Election Law in Regent University's School of Law and RSG.

Fall 2004: Co-taught The U.S. Experiment I (constitutional law and history), and developed and taught Principled Political Action in RSG.

Spring 2005: Co-taught The U.S. Experiment II (constitutional law and history) in RSG, and Trial Practice in Regent University School of Law.

Fall 2005: Developed and taught Christian Foundations of Government (RSG's foundational worldview course), and developed and taught in RSG The Supreme Court & Public Policy.

Spring 2006: Taught Christian Foundations of Government in RSG, and Trial Practice in Regent Law.

Summer 2006: Restructured and taught Law & Governance in Higher Education in Regent University's School of Education.

Fall 2006: Developed and taught Constitutional Law I in RSG.

Spring 2007: Developed and taught Constitutional Law II in RSG.

Summer 2007: Taught Law & Governance in Higher Education in Regent University's School of Education.

Fall 2007: Taught Constitutional Law I in RSG.

Spring 2008: Taught Constitutional Law II in RSG.

Summer 2008: Taught Law & Governance in Higher Education in Regent University's School of Education.

Fall 2008: Taught Constitutional Law I in RSG.

Spring 2009: Taught Constitutional Law II in RSG.

Summer 2009: Taught Law & Governance in Higher Education in Regent University's School of Education.

## **PUBLIC SERVICE/MEMBERSHIPS**

Chicago Bar Association Food, Drug and Consumer Product Safety Law Committee (1976-1992; Vice Chairman, 1981-1982; Chairman 1982-1983)

Christian Legal Society (1976-present; Illinois State Membership Director, 1992-1994; State Membership Director of the Year Award, 1993; Midwest Regional Membership Coordinator, 1994-1996; National Board of Directors, 1996-2001, 2004 - present; Chair of Finance Committee, 1998-2001; Treasurer, 2000; President-Elect, 2000-2001, 2004-2006; President, 2006-2008; Past President, 2008 - present).

Regulatory Affairs Professionals Society (1980-1992; Chairman, Annual Program Committee, 1980-1982; Executive Secretary, 1982-1985)

Board of Directors, Chicago Southwest Christian School (1982-1984; Vice President, 1982-1983; President, 1983-1984)

Board of Trustees, Chicago Southwest Foundation (1982-1990; Secretary, 1982-1990)

Chicago Christian High School Foundation (President, 1986-1990)

Calvin College Alumni Board (1990-1993; Secretary, 1991-1993).

Worth Township Regular Republican Organization (Member, 1980-2001; Precinct Captain; Area leader; Vice President - 1986; Acting President, 1986; President, 1987-1989)

Navajo Hills Homeowners Association (1980-2001; President, 1984-1987)

Palos Heights Zoning Board of Appeals (1985-1992)

Board of Education, Community High School District 218 (1995-1999)

Board of Directors, Illinois Family Institute (1998-2001; Secretary, 1999-2001; Acting Executive Director, 2000-2001)

American Political Science Association (2005-present)

Various leadership and teaching positions in churches in which my family and I have been members from 1976 to the present

## PUBLICATIONS

Co-Author, *An Analysis of State Legislative Responses to the Medical Malpractice Crisis*, 1975 *Duke Law Journal* 1417.

*DEA Administrative Inspections: Authority and Practical Applications*, 46 *Food Drug Cosmetic Law Journal* 229 (1981).

*What Does a Conservative Judge Look Like?* *Hampton Roads Daily Press* (June 20, 2002)

*Misinterpreting Kelo*, *The Washington Times* (December 12, 2005)

*Misinterpreting Kelo in the Threat to Oceana*, *The Virginian-Pilot*, p. B9 (December 14, 2005)

*Keep Virginia's System of Judicial Selection*, *The Virginian-Pilot* (February 18, 2006)

*It's Not a Sin to Talk About Sin*, *Tallahassee Democrat* (September 18, 2006)

*"A Modest Proposal for YouTubing Republicans,"* *Washington Examiner* (December 17, 2006).

*Putting Faith in Prison Programs, and Its Constitutionality under Thomas Jefferson's Faith-Based Initiative*, 6 *Ave Maria Law Review* 341 (Spring 2008).

*Pounding a Final Stake in the Heart of the Invidiously Discriminatory "Pervasively Sectarian" Test*, 7 *Ave Marie Law Review* 59 (Fall 2008).

## BAR LICENSES

10/21/76-present: State of Illinois

12/9/76-present: U.S. District Court for the Northern District of Illinois

7/12/77-present: State of Florida

6/23/83-present: Federal Trial Bar, Northern Dist. of Illinois

9/17/93-present: U.S. Court of Appeals for the Seventh Circuit

12/4/02-present: U.S. Supreme Court

4/20/05-present: Commonwealth of Virginia

## PRESENTATIONS

*Is the President's Faith-Based Initiative Constitutional?* Cato Institute, Washington, D.C., March 2003

*Testimony on the Constitutionality of Senate Bill 351, the Maryland Parental Notice for Abortion on Minors Bill*, before the Maryland Senate's Education Health and Environmental Affairs Committee, Annapolis, Maryland, March, 2004.

*Constitutional Issues in the Faith-Based & Community Initiative*, K.A.M. Isaiah – Israel Synagogue, Chicago, Illinois, February 2004.

*Legal Issues for Religious Organizations in the Faith-Based & Community Initiative*, We Care America Winter Meeting, Washington, D.C., January 2004.

*How to Ethically Practice Employment Law Without Losing Your Shirt*, Christian Legal Society's National Conference, Destin, Florida, November 2003.

*How to Think as a Christian*, Association of Maryland Families, City on the Hill Conference, Baltimore, MD, July, 2004.

*Biblical Worldview on Law*, Kempsville Presbyterian Church, Virginia Beach, Virginia, November 11, 2004

*Religion and Politics: The Church's Effect on the Election*, Regent University Washington, DC Campus, November 16, 2004

*Biblical Worldview on Politics*, Kempsville Presbyterian Church, Virginia Beach, Virginia, November 18, 2004

*The Faith-Based Initiative and Freedom of Religion*, Williamsburg Presbyterian Church, Williamsburg, VA, April 2, 2005

*The Christian Worldview of Psychology*, Kempsville Presbyterian Church, Virginia Beach, VA, April 24, 2005

*The Case of Terri Schiavo & End of Life Issues*, Kempsville Presbyterian Church, Virginia Beach, VA, April 28, 2005

*The Christian Worldview of Law*, Kempsville Presbyterian Church, Virginia Beach, VA, May 8, 2005

*The Christian Worldview of Politics*, Kempsville Presbyterian Church, Virginia Beach, VA, May 23, 2005

*What Does the Constitution Say About Judicial Selection & Filibustering?* Norfolk Optimists Club. Norfolk, VA, June 7, 2005

*Serving Local Judges Better*, Regent Law Judicial Appreciation Dinner, Virginia Beach, VA, June 22, 2005

*Campaign Ethics*, Leadership Institute, Arlington, VA, August 17, 2005

*The Wisdom of Keeping Quiet on Important Issues During Confirmation Hearings*, Regent University Constitution Day Event, September 16, 2005

*The Christian View of Welfare*, Public Interest Lawyers at Regent University, Virginia Beach, October 4, 2005

*Our National Sin*, Choose Life Now Banquet, Virginia Beach, November 10, 2005

*Pro-Life Highlights of 2005*, Kempsville Presbyterian Church, Virginia Beach, VA, January 29, 2006

*God's Call on Your Life*, Stonebridge Christian School, Chesapeake, VA, March 30, 2006

*The Role of Worldview in Judicial Decision-Making*, Third Biennial Henry Institute Conference, Calvin College Grand Rapids, MI, April 28, 2006

*The Evil of Big Government*, Virginia Beach Republican Party, Virginia Beach, VA, June 24, 2006

*God's Welfare System*, Kempsville Presbyterian Church, September 24, 2006

*Effective Pro-Life Arguments*, Kempsville Presbyterian Church, October 1, 2006

*Globalization & the Future of the World Economy*, Panel Moderator, Regent University, October 13, 2006

*The Strategic Importance of CLS for Your Careers*, Regent School of Law CLS Chapter, October 14, 2006

*Past, Promises and Pitfalls of the Faith-Based Initiative*, Project Bridges, Washington, DC, October 28, 2006

*Putting Our First Freedoms First: A Historical Analysis of the First Amendment's Religion Clauses During the Founding Era*, presented at Christians in Political Science Meeting at Wheaton College in Wheaton, Illinois in June, 2007.

*Structure of the United States Constitution*, New Reformation Institute, Minsk, Belarus, October, 2008.

*A Short Annotation of the Bill of Rights*, New Reformation Institute, Minsk, Belarus, October, 2008.

*The Historical Western Legal Tradition and its Philosophical Roots*, New Reformation Institute, Minsk, Belarus, March, 2009.

## REFERENCES

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122 S. Michigan Ave.  
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Three First National Plaza  
Suite 3300  
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