

James G. Dwyer
Professor of Law
Marshall-Wythe School of Law
College of William & Mary

EDUCATION

Stanford University	Ph.D. , Philosophy 1995
Yale Law School	J.D. , 1987
Boston College	B.A. , Philosophy 1984

PUBLICATIONS

THE SUPERIORITY OF YOUTH: MORAL STATUS AND HOW WE TREAT CHILDREN (book under review at Cambridge University Press)

A Constitutional Birthright: The State, Parentage, and Newborn Persons (under submission).

The Child Protection Pretense: States' Continued Consignment of Babies to Unfit Parents, MINNESOTA LAW REVIEW (forthcoming).

Child Custody and Parent Speech, (forthcoming) (symposium paper)

Review of THE BEST INTERESTS OF THE CHILD IN HEALTHCARE, by Sarah Elliston (2007), Law & Politics Book Review (2008).

THE RELATIONSHIP RIGHTS OF CHILDREN (Cambridge University Press, 2006).

Children's Education Rights in a Liberal Democracy, in PADAGOGISCHE MODERNISIERUNG: SAKULARITAT UND SAKRALITAT IN DER MODERNEN PADOGIGIK (Hoffmann, Jacottet, & Osterwalder eds., Haupt Bern 2006).

The Liberal State's Response to Religious Visions of Education, 44 THE JOURNAL OF CATHOLIC LEGAL STUDIES 195-231 (2005) (symposium article)

School Accountability and "High Stakes Testing," 2 THEORY AND RESEARCH IN EDUCATION 11 (2004) (symposium article)

Children's Rights, in THE BLACKWELL COMPANION TO THE PHILOSOPHY OF EDUCATION (Blackwell Press, 2003).

A Taxonomy of Children's Existing Rights in State Decision Making About Their Relationships, 11 WILLIAM & MARY BILL OF RIGHTS JOURNAL 845-990 (2003) (symposium article)

Funding Religion in a Post-Zelman World, 5(1) GOVERNMENT, LAW AND POLICY JOURNAL 11 (2003)

VOUCHERS WITHIN REASON: A CHILD-CENTERED APPROACH TO EDUCATION REFORM (Cornell University Press, 2002).

Changing the Conversation About Children's Education, in NOMOS XLIII: MORAL AND POLITICAL EDUCATION (New York University Press, 2002).

Review of ARISTOTLE ON THE NECESSITY OF PUBLIC EDUCATION, by Randall Curren, 13 THE SCHOOL FIELD 7 (2002).

RELIGIOUS SCHOOLS V. CHILDREN'S RIGHTS (Cornell University Press, 2001).
(paperback edition with new preface in 2001)

School Vouchers: Inviting the Public Into the Religious Square,
42 WILLIAM & MARY LAW REVIEW 963-1006 (2001) (symposium article).

Spiritual Treatment Exemptions to Child Medical Neglect Laws: What We Outsiders Should Think,
76 NOTRE DAME LAW REVIEW 147-177 (Nov. 2000) (symposium article).

Reprinted in Janet W. Steverson, ed., CHILDREN AND THE LAW, VOLUME 1: THE STATE AS CHILD PROTECTOR (Routledge 2002).

Informed Consent for Neonatal Circumcision: An Ethical and Legal Conundrum, 17 JOURNAL OF CONTEMPORARY HEALTH LAW & POLICY 61-133 (2000) (co-authored).

Children's Interests in a Family Context – A Cautionary Note,
39 SANTA CLARA LAW REVIEW 1053-1073 (1999) (symposium article).

RELIGIOUS SCHOOLS V. CHILDREN'S RIGHTS (Cornell University Press, 1998).

Setting Standards for Parenting -- By What Right?,
27 CHILD PSYCHIATRY & HUMAN DEVELOPMENT 165 (1997)

The Children We Abandon: Religious Exemptions to Child Welfare and Education Laws as Denials of Equal Protection to Children of Religious Objectors,
74 NORTH CAROLINA LAW REVIEW 1321-1478 (1996).

Parents' Religion and Children's Welfare: Debunking the Doctrine of Parents' Rights,
82 CALIFORNIA LAW REVIEW 1371-1447 (1994).

WORKS IN PROGRESS

Costless Parent Choices

Declaring Communities Unfit for Child Rearing

Raised in Captivity: The Child Welfare Impact and Constitutionality of Sending Children to Jail With Their Mothers

PRESENTATIONS AND HONORS

WELLS CONFERENCE ON ADOPTION LAW, Capital University Law School, March 2008
“Why Unfit Birth Parents Have No Right to Be Made Legal Parents”

UNIVERSITY AWARD, Class of 2010 Student Professorship
Awarded to one faculty member at William & Mary each year, providing 3-year stipend

FEDERALIST SOCIETY, 25th Annual Gala, Washington, D.C., November 2007
Panel on Child Custody and Parent Speech, “The Irrelevance of Parents’ Speech Rights to Surrogate Decision Making for Children”

AMERICAN ASSOCIATION OF PUBLIC WELFARE ATTORNEYS, Annual Conference, Williamsburg, Oct. 2007 “Filling the Gaps in Child Maltreatment Prevention”

INTERNATIONAL SOCIETY OF FAMILY LAW, 14th World Conference, Vancouver, BC, June 2007
“Child Protection Law and the State’s Role in Family Formation”

University of Montreal, Dept. of Philosophy, Conference on Child, Family, and State, May 2007
“Parental Values vs. Societal Norms”

Harvard Law School, 12th National Conference on Children and the Law, April 2007
“A Proactive Approach to Protecting Newborns at High Risk of Maltreatment”

William & Mary School of Law, Summit on Newborns in the Child Protective System, Oct. 2006
“Newborns at High Risk – Gaps in Law and Practice”

INTERNATIONAL SOCIETY OF FAMILY LAW, 12th World Conference, Salt Lake City, July 2005
“Against Balancing Children’s Interests Against Parents’ Interests”

University of North Carolina at Chapel Hill School of Law, February 2005
Law & Public Policy Series presentation entitled:
"Reforming Parentage Law: A Children's Rights Approach to Family Formation."

Blackstone Lecture, William & Mary School of Law, October 2004

“On the Superiority of Youth: Moral Status and Legal Treatment of Children”

University of Berne, Switzerland, conference on The Sacred and the Secular in Education,
Ascona, Switzerland, October 2004: "Children's educational rights in a liberal society."

AMERICAN PHILOSOPHICAL ASSOCIATION, Annual Meeting, Washington, D.C., Dec. 2003.
Moderated philosophy of education panel on standardized testing

AMERICAN PHILOSOPHICAL ASSOCIATION, Annual Meeting, Philadelphia, Dec. 2002.
Moderated panel discussing Meira Levinson's *THE DEMANDS OF LIBERAL EDUCATION*

THE REASONING CENTER, Virginia Commonwealth University, May 2002.
Conference on Improving the Reasoning of College Students, Presentation entitled "Legal Reasoning and Preparing Students for Law School,"

AMERICAN PHILOSOPHICAL ASSOCIATION, Annual Meeting, Atlanta, December 2001.
Symposium on my book *Religious Schools v. Children's Rights*.

Philosophy Department, Virginia Commonwealth University, Nov. 2001.
Presentation to faculty on children's rights.

SEAALS, Annual Meeting, Hilton Head, N.C., July 2001.
Junior Faculty Workshop. Presentation entitled "Children's Relationship Rights."

THE FEDERALIST SOCIETY, Indianapolis, IN, July 2000
Conference on *Charitable Choice, Religious Liberty, and the Common Good*.
Presentation entitled "Religious Liberty and Public Money: Will Charitable Choice Require Faith-Based Organizations to Sell Their Souls?."

AMERICAN ATHEISTS ASSOCIATION, Annual Convention, San Francisco, April 2000
Presentation entitled "Parents' Religion and Children's Education."

WILLIAM & MARY INSTITUTE OF BILL OF RIGHTS LAW, March 2000
Symposium on *Religion in the Public Square*. Presentation entitled: "School Vouchers: Inviting the Public Into the Religious Square."

AMERICAN ASSOCIATION OF LAW SCHOOLS, Annual Meeting, Washington, D.C., January 2000.
Law and Religion/Family Law Sections symposium: *Children, Spiritual Healing, and Religious Exercise*. Presentation entitled: "Spiritual Treatment Exemptions to Child Medical Neglect Laws: What We Outsiders Should Think."

AMERICAN ASSOCIATION OF LAW SCHOOLS, Annual Meeting, New Orleans, La., January 1999.
Family Law symposium: *From Partners to Parents: Toward a Child-Centered Family Law Jurisprudence*. Presentation entitled "Children's Interests in a Family Context."

YOUNG SCHOLARS PROGRAM, Cornell University, Spring 1998
Selected for weekend of seminars on my writings with scholars in law and philosophy.

Commentators: Martha Minow, Jeremy Waldron, Samuel Freeman, Kenneth Strike.

PARENTHOOD IN AMERICA CONFERENCE, Univ. Wisconsin-Madison, Spring 1998.

Presentation entitled "Why Parents' Rights Are Wrong."

CONFERENCE ON UNITED NATIONS CONVENTION ON THE RIGHTS OF THE CHILD,

Loyola University-New Orleans School of Law, Spring 1997.

Presentation on conflict between Convention and American law on parents' rights.

COURSES TAUGHT AT WILLIAM & MARY

Family Law, Youth Law, Property, Trusts & Estates, Law & Social Justice, Law & Intimate Associations

LEGAL PRACTICE

Law Guardian and Assigned Counsel, New York State Family Court. July 1995 - July 1996

Legal representation of children and parents in abuse, neglect, custody, foster care, children in need of supervision, and juvenile delinquency proceedings.

Attorney, Coudert Brothers, Washington, D.C. Jan. 1989 - Sept. 1990

Attorney, Sutherland, Asbill, and Brennan, Washington, D.C. Sept. 1987 - Jan. 1989

PRIOR ACADEMIC POSITIONS

Assistant Professor, University of Wyoming College of Law, July 1998 to July 2000.

Courses: Family Law, Jurisprudence, Federal Courts

Visiting Assistant Professor, Chicago-Kent College of Law, IIT. July 1996 to May 1998

Courses: Family Law, Jurisprudence, Legal Research and Writing

Instructor, Stanford University, Department of Philosophy. Spring 1994

Course: Rights Theory.

Teaching Assistant, Stanford University, Department of Philosophy. Sept. 1991 - June 1993

Courses: Political Philosophy; Moral Theory; Introduction to Philosophy.