

DONALD L. BESCHLE

The John Marshall Law School
315 South Plymouth Court
Chicago, Illinois 60604
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LEGAL EDUCATION

J.D. 1976, New York University School of Law, New York, New York

- Order of the Coif
- Research Editor, Annual Survey of American Law
- Co-author, "Constitutional Law 1974/75", 1974/75 Ann. Survey of Am. Law 271
- John Norton Pomeroy Prize for first year academic performance
- American Jurisprudence Award in Criminal Law, 1974

LL.M. 1983, Temple University School of Law, Philadelphia, Pennsylvania

PRE-LEGAL EDUCATION

B.A. 1973, Fordham University, Bronx, New York

- Dean's List, 1971, 1972, 1973

TEACHING EXPERIENCE

1998-present: Professor, The John Marshall Law School

1986-1998: Associate Professor, The John Marshall Law School

1981-1986: Assistant Professor, The John Marshall Law School

- Courses taught recently: Property; Constitutional Law; Antitrust; Religion and the Law; First Amendment Law
- Other courses taught in prior years: Sales Transactions; Agency and Partnership
- Compiled and edited Materials on Law and Religion (unpublished) for use in course on Religion and Law

1979-1981: Lecturer in Law and Law and Humanities Fellow, Temple University, Philadelphia, Pennsylvania

- Taught The Lawyering Process (research, writing, advocacy) in the School of Law
- Taught Introduction to the American Legal System and American Constitutional Law in the College of Liberal Arts

PRACTICE EXPERIENCE

Associate, law firm of Phillips, Nizer, Benjamin, Krim and Ballon, New York, New York, 1976-1979. Primary responsibilities in the litigation department over a broad range of civil litigation; some non-litigation work in labor, corporate and immigration law.

BAR ADMISSIONS

New York, 1977

United States District Court, Southern and Eastern Districts of New York, 1977

PUBLICATIONS

“Cognitive Dissonance Revisited: Roper v. Simmons and the Issue of Adolescent Decision-Making Competence”, 52 Wayne L. Rev. 1 (2006).

“Lawrence Beyond Gay Rights: Taking the Rationality Requirement for Justifying Criminal Statutes Seriously”, 53 Drake L. Rev. 231 (2005).

“Kant’s Categorical Imperative: An Unspoken Factor in Constitutional Rights Balancing”, 31 Pepperdine L. Rev. 949 (2004)

“The First Amendment in the Seventh Circuit: 2002”, 36 John Marshall Law Review 807 (2003)

“Does the Establishment Clause Matter? Non-Establishment Principles in the United States and Canada,” 4 U. Pa. J. Const. L. 451 (2002).

“Why Do People Support Capital Punishment? The Death Penalty As Community Ritual,” 33 Conn. L. Rev. 765 (2001).

“Clearly Canadian? Hill v. Colorado and Free Speech Balancing in the United States and Canada,” 28 Hastings Const. L. Q. 187 (2001).

“The Supreme Court’s IOLTA Decision: Of Dogs, Mangers, and the Ghost of Mrs. Frothingham,” 30 Seton Hall L. Rev. 846 (2000).

“The Juvenile Justice Counterrevolution: Responding to Cognitive Dissonance in the Law’s View of the Decision-Making Capacity of Minors,” 48 Emory L. J. 65 (1999).

“What’s Guilt (or Deterrence) Got To Do With It?: The Death Penalty, Ritual, and Mimetic Violence,” 38 Wm. & Mary L. Rev. 487 (1997).

“ ‘You’ve Got To Be Carefully Taught’: Justifying Affirmative Action After Croson and Adarand,” 74 N. C. L. Rev. 1141 (1996).

"The Role of Courts in the Debate On Assisted Suicide: A Communitarian Approach," 9 Notre Dame J. L., Ethics & Pub. Pol. 367 (1995).

"Defining the Scope of the Constitutional Right to Marry: More Than Tradition, Less Than Unlimited Autonomy", 70 Notre Dame L. Rev. 39 (1994).

"The Use of Religion as Part of the 'Best Interests' Test in Child Custody Disputes, in Humm et al., eds., CHILD, FAMILY & STATE: LAW AND POLICY READER 36 (Temple Univ. Press 1994).

"Catechism or Imagination: Is Justice Scalia's Judicial Style Typically Catholic?," 38 Villanova L. Rev. 1329 (1992).

"Conditional Spending and the First Amendment: Maintaining The Commitment to Rational Liberal Dialogue", 57 Missouri L. Rev. 1117 (1992).

"Paradigms Lost: The Second Circuit Faces the New Era of Religion Clause Jurisprudence," 57 Brooklyn L. Rev. 547 (1991).

"Judicial Review and Abortion in Canada: Lessons for the United States in the Wake of *Webster v. Reproductive Health Services*," 61 U. Colo. L. Rev. 301 (1990).

"Survey of Illinois Law-Civil Procedure," 14 S. Ill. L. J. 699 (1990) (with D. Kaplan).

"God Bless the Child?: The Use of Religion as a Factor in Child Custody and Adoption Proceedings," 58 Fordham L. Rev. 383 (1989).

"Autonomous Decisionmaking and Social Choice: Examining the 'Right to Die,'" 77 Kentucky L. J. 319 (1989).

"Uniformity in Constitutional Interpretation and the Background Right to Effective Democratic Governance", 63 Indiana L. J. 539 (1988).

" 'What, Never? Well, Hardly Ever.': Strict Antitrust Scrutiny As An Alternative To Per Se Antitrust Illegality," 38 Hastings L. J. 471 (1987).

"The Conservative As Liberal: The Religion Clauses, Liberal Neutrality, and the Approach of Justice O'Connor," 62 Notre Dame L. Rev. 151 (1987).

"Doing Well, Doing Good and Doing Both: A Framework For The Analysis of Non Commercial Boycotts Under The Antitrust Laws," 30 St. Louis Univ. L. J. 385 (1986).

"Reconsidering The Second Amendment: Constitutional Protection For A Right Of Security," 9 Hamline L. Rev. 69 (1986).

"Defining The Scope Of State Sovereignty Under The Tenth Amendment: A Structural Approach," 34 DePaul L. Rev. 163 (1984).

"An Absolutism That Works: Reviving The Original 'Clear and Present Danger' Test," 1983 So. Ill. L. J. 127.