

Kevin T. Snider

CURRICULUM VITAE

BAR ADMISSIONS:

State Bar of California
District of Columbia Bar
State Bar of Washington (pending)

COURT ADMISSIONS:

U.S. Supreme Court
D.C. Circuit Court of Appeals
First Circuit Court of Appeals
Second Circuit Court of Appeals
Third Circuit Court of Appeals
Fourth Circuit Court of Appeals
Fifth Circuit Court of Appeals
Seventh Circuit Court of Appeals
Eighth Circuit Court of Appeals
Ninth Circuit Court of Appeals
Tenth Circuit Court of Appeals
Eleventh Circuit Court of Appeals
U.S. District Court, Southern District of California
U.S. District Court, Central District of California
U.S. District Court, Eastern District of California
U.S. District Court, Northern District of California
Supreme Court of California
District of Columbia Court of Appeals

EMPLOYMENT:

2004-present: Chief Counsel for the Pacific Justice Institute (PJI).

Duties:

- Head of the legal department in which all aspects of in-house litigation, appeals and administrative law and client representation are handled.
- Litigation coordinator for PJI's cases. This includes responsibility for oversight of PJI's 1,000 affiliate attorneys in which they have agreed to provide *pro bono* representation.
- PJI corporate counsel

- Supervise in-house attorneys, law clerks, and staff
- General management duties
- Establish and monitor satellite offices
- Establish and supervise directors of outreach for Chinese, Slavic and Korean programs (Hispanic Outreach Program pending)
- Media appearances

1999-2004: Private practice concentrating in the area of constitutional law, education law, public agency law, elections, class actions, nonprofit law and drafted *amicus* briefs on a contract or *pro bono* basis.

1993-1999: United States Justice Foundation (USJF). Law clerk (one year) and in-house counsel. Worked as a staff attorney for USJF, a nonprofit legal foundation that provided *pro bono* legal services to the public in the area of constitutional rights. My primary area of concentration was civil rights and education law.

Duties:

- Litigation
- Organized and directed numerous *pro bono* attorneys in large civil rights cases using a team management approach.
- Supervised staff in law office setting.
- Researched and drafted a variety of legal opinions at the request of attorneys, elected officials and lay people on proposed legislation and constitutional law.

AREAS OF PRACTICE: Served as lead and/or supervising counsel in cases involving the areas of practice described below.

Education Law:

Litigated numerous cases involving school law issues representing students, teachers, parents and elected officials. Represented scores of students and parents in the area of religious freedom in the public schools. Have provided legal counsel to numerous private and public school administrators and board members.

Key Case: In re Jonathan L. 165 Cal.App.4th 1074 (2008). A three justice panel of the California Court of Appeal handed down a ruling on February 28, 2008, that found no constitutional right to homeschool children. The Court further determined that all home-based instruction is unlawful unless it is performed by a credentialed tutor on a daily basis. This ruling took away the educational opportunities of approximately 200,000 young California students who were homeschooled by their parents. A private school, Sunland Christian School, was the focus of the case. Sunland provides an independent study program that is taught by parents in the home. PJI represented Sunland before the Court of Appeal which vacated and reversed its earlier decision a month before the start of the school year. I participated in oral argument before the appellate court.

Key Case: Common Core. Drafted pleadings and was the supervising attorney in litigation challenging school districts' refusal to notify parents that they can opt their children out of Common Core testing in California. Concerned Parents of California v. Robert Taylor, Supt. Of Walnut Valley Unified School Dist. (Lead case out of Los Angeles County in which we settled with the District).

Key Case: Bible Club and R.G., a Minor by and through her Next Friend R.G. v. Placentia-Yorba Linda Unified School Dist., 573 F.Supp.2d 1291 (2008). A federal court issued a preliminary injunction against a school district which refused to allow a high school student to start a Christian club at her school. The District soon settled after the court issued its order.

Key Cases: Litigated several cases involving the issue of free public education. Was the first attorney, to my knowledge, in the state to have successfully forced a school district to return illegal fees and charges to students and their parents in the settlement of a class action lawsuit. As a class action, Amy v. Pasadena Unified School District (1999-2002), received considerable newspaper coverage and thus spawned several "copycat" lawsuits.

Key Cases: Challenge of State Assessment testing. As a law clerk and then an attorney, researched, drafted the pleadings, and developed the chief strategies for challenging California's standardized assessment test for K-12 public schools know as the CLAS Test. The pleadings were used for a score of lawsuits filed up and down the state of California. The test was challenged on privacy grounds in that it solicited information from students relative to family beliefs and behaviors. As a result of the public outcry that the cases generated across the state, Governor Pete Wilson pulled the funding for the tests. Our office filed more than twenty cases against school districts (1994-1995).

Key Case: Leal v. Everett Public Schools, 88 F.Supp.3d 1220 (W.D. Wash. 2015); 2015 U.S. Dist. LEXIS 103420 (W.D. Wash. Aug. 6, 2015). A senior at a public high school was suspended three times and threatened with expulsion for leafleting and preaching on campus based upon, what is believed to be, the most restrictive speech policy in the country for a secondary school. The policy provided that a student can only distribute literature that was an original composition. I successfully argued that the policy would prevent a student from handing out a copy of the First Amendment. The student's disciplinary record was expunged just two weeks before his graduation.

Key Case: Successfully defended a parent in a restraining order petition brought by a school district which sought to unlawfully keep him off school premises while he attempted to review financial records under the California Public Records Act. Laraway v. PUSD (1997).

Key case: A professor of biology was asked, by a student in a human heredity class, a question regarding how heredity affects homosexual behavior in males and females. The professor stated that the issue was complex, referred to a genetics example in the textbook, and cited a study by a German scientist (Dr. Gunter Dörner) which posits that there may be a correlation between maternal androgens on a developing fetus and male homosexuality. The professor noted that Dr. Dörner did not find a correlation between maternal androgens and the phenomenon of female homosexuality. For giving that answer, the professor was fired.

The college paid an out of court settlement to the professor after prolonged litigation.
Sheldon v. Evergreen Community College

Key Case: A high school student shared his faith in private conversations with other students. He was warned by a teacher not to do this because of the separation of church and state. Further, the student was directed not to take his Bible to school and had it confiscated by the teacher. The student was eventually suspended for two days. The suspension notice stated: “Student was told to stop preaching at school. Student continued after being warned several times.” The teacher further wrote on the suspension form, “Student will not bring Bible to school.” Suit was filed and the student obtained a financial settlement. K.D. v. Grossmont Unified High School District

Establishment Clause:

National Motto

Key case: Newdow v. Congress 598 F.3d 638 (9th Cir. 2010) cert. denied 2011 WL 89350. Served as lead counsel to defend the national motto – In God We Trust – in which PJI successfully intervened as a defendant. The case was dismissed by the trial court. In addition to defending the motto in the trial court, I also argued the case, along with an attorney with the U.S. Dept. of Justice, before the Ninth Circuit and received a favorable decision.

Presidential Inauguration Invocation and Benediction

Key Case: Newdow v. Roberts 603 F.3d 1002 (D.C. Cir. 2010) Represented Revs. Rick Warren and Joseph Lowery who were personally sued by over 200 atheists, humanists and like-minded organizations, for giving the invocation and benediction at the inauguration of President Obama. (Chief Justice Roberts was also sued for using the phrase, “so help me God” in administering the presidential oath). Successfully argued against the preliminary injunction in the D.C. District Court. Represented the case before the D.C. Circuit which upheld the decision of the lower court. The plaintiffs’ goal of the litigation was to overturn Marsh v. Chambers, 463 U.S. 783 (1983). In contrast, strategy for representing the clergy defendants was to extend the Marsh holding, relative to legislative prayers, to the executive branch.

Court Cry

Key Case: Newdow v. Roberts 603 F.3d 1002, 1013 (D.C. Cir. 2010) (Kavanaugh, J., concurring) In a case for which I was lead counsel for nationally prominent clergy, an emergency motion was filed prior to oral argument to prevent that portion of the court cry – “God save the United States and this honorable Court.” The federal defendants did not take a position. I filed the opposition to the motion which the panel ultimately denied. In his concurring opinion in the underlying case, Judge Kavanaugh discussed the Court’s invocation, finding no violation of the Establishment Clause.

I have filed dozens of *amici* briefs including numerous submissions relative to Establishment Clause cases.

Religious Land Use & Institutionalized Persons Act:

Assisted scores of churches and religious organizations in zoning and other land use issues before local agencies. This includes the administrative process where legal representation and political advice is given. More than 90% of cases that I personally handled or supervised have resulted in a favorable disposition to the churches at the administrative level or before elected officials, e.g., county boards of supervisors, city councils, and planning commissions. Have served as lead counsel in litigation and on appeal in matters not resolved during the administrative process.

Key Case: International Church of the Foursquare Gospel v. City of San Leandro, 673 F.3d 1059 (9th Cir. 2011). Likely the most important RLUIPA decision by the Ninth Circuit, I served as lead counsel in the trial court and argued the case on appeal. A church grew from 65 to 1,500 and was unable to accommodate its congregation at its current facility. The church thus purchased a building in an industrially zoned area due to the overcrowding and extreme traffic congestion that it caused at its current mixed residential and business location. The City refused to allow the church to use the new building, resulting in a \$33,000 per month mortgage payment for a facility that the Church could not occupy. The success of this case resulted in significant positive legal precedent on several issues in the Ninth Circuit and will likely shift the balance of power toward religious organizations against local governments in the western states.

Key Case: Independent Baptist Church v. City of Sacramento. Was lead counsel for Russian church of approximately 600 in Sacramento case where the City of Sacramento put a 120 person limitation on all meetings. This occurred as a result of a denied application by the church to build a parking lot. As a result, after the first 120 congregants entered the building, the rest of the congregation would be packed into a garage in a nearby home. A suit was filed in federal court in which the judge, at the TRO hearing, forced the City to negotiate with the church so that the 120 person limitation was immediately lifted. Within months the City also approved the parking lot.

Key Case: Jesus Christ Prison Ministry v. CA Dept. of Corrections 456 F.Supp.2d 1188 (E.D. CA 2006). Lead counsel in federal court case involving restrictions on prison ministry's ability to send, and inmates' rights to receive, religious literature and CDs. The plaintiffs won on summary judgment on all causes of action.

Elections Law:

Represented elected officials and voters relative to elections in several cases.

Key case: The districts of a county board of education were redrawn so that one trustee's area disappeared, resulting in his disqualification to run for another term. The population of the new districts were disproportionate. I drafted the pleadings and the appellate brief which persuaded the California Court of Appeal to unanimously reverse the lower court and thus establish the "one man, one vote" rule for county boards of education. Bansemer v. Nevada County Board of Education.

Key case: The citizens of the City of Pasadena, CA, passed an anti-corruption measure. Claiming that the law was unconstitutional, for over a year the Mayor and City Clerk refused to have the results of the election recorded and certified with the Secretary of State. I filed suit in behalf of a voter arguing that, whether the measure is constitutional or not, the rule of law requires that the votes be tallied and submitted to the Secretary of State. The Court issued a writ of mandamus against the City Clerk ordering her to comply with State election laws. Amy v. City of Pasadena.

Key case: Proponents of a statewide referendum submitted signatures to all 58 counties in California. Election officials from two counties refused to accept the signatures, claiming they were filed late. The final day for the delivery of signatures landed on a Sunday. In one county, the signatures were put under the door of the county offices on a Saturday by the delivery company because the offices were closed. Another delivery company attempted to hand over the signatures on a Friday, but the county offices had closed by noon. The delivery driver found a mailroom that was open and attempted to hand over the signature petitions, but was told to come back on a Tuesday because the offices were closed on Monday due to a holiday. A petition for a writ of mandate was filed in Superior Court against the two county election officials and the Secretary of State. The Court granted the writ. Gleason v. Bowen.

Public Agency Law:

Represented numerous clients in disputes and litigation involving public agencies.

Key Case: A construction company challenged the letting of contracts by a government agency without bids by means of declaring “emergencies.” Although winning in the trial court, for financial reasons, the company withdrew from the case when it was challenged on appeal. I filed an *amicus* brief for a nonprofit educational corporation (Schoolhouse Alliance) which was the only entity representing the interests of the public and the only opposition to the agency on appeal. The appellate court ordered the counsel for *amicus* to appear and argue the case. In a published opinion, the position of the *amicus* was unanimously adopted by the Court of Appeal. (Marshall v. Pasadena Unified School District, 119 Cal.App.4th 1441 (2004)). The case was crucial in that there was an endemic problem with corrupt local governments, particularly school districts, declaring faux emergencies in order to bypass the public bidding requirements for construction projects.

Key Case: During the period of time in California after traditional marriage was found unconstitutional, and before the passage of Proposition 8, the State of California changed the marriage license from *bride* and *groom* to Party A and Party B. A man and woman applied for a wedding license and, with the approval of the clerk manning the window, wrote back in the words Bride and Groom. After the couple was married, the officiating minister signed and mailed in the marriage certificate. It was rejected by the County Clerk because of the interlineation. The case was settled with the State of California when officials agreed to change the form to put back in the words *bride* and *groom*. Codding v. Placer Co. Clerk

Public Records and Open Meeting Laws:

Have successfully litigated and settled several cases involving requests for public records and violations of open meeting laws.

Key Case: Amy v. California Department of Education: A citizen made a request for statistics relating to state public school testing to the CA Dept. of Education. State officials refused to provide the documents and I filed suit resulting in the Department quickly turning over the papers and settling the case.

Complex Litigation:

Served, as both defense and plaintiff's counsel, in complex litigation in state and federal courts. These include class actions and RICO cases.

Immigration (Religious Asylum):

Have served as lead or supervising counsel for numerous cases involving religious asylum of Christians who have fled persecution to come to the United States.

Speech Rights (Criminal Appeals):

On two occasions was assigned to represent, on appeal, individuals convicted of misdemeanor trespass. In the first case, a woman was arrested for leafleting on a high school campus. The appellate panel reversed the conviction based on First Amendment grounds. People v. Youngkin (1998). In the second case, a man driving a van which had large and unusual religious and political slogans, was refused service at a convenience store. Refusing to leave, he was arrested. The appellate court overturned his conviction and ordered a new trial based on the judge's refusal to allow the protections in California's civil rights statute (Unruh Act) submitted to the jury as an affirmative defense. People v. Brock (1999). I drafted the appellate briefs and presented oral arguments in both cases. These appeals – the only two of such that I've handled – were brought in the Appellate Division of the San Diego Superior Court in which reversals in criminal matters approximate only one in twenty.

Church Law:

Advise pastors, churches and other Christian ministries on a day in and day out basis in the areas of nonprofit law, member discipline, employee/clergy issues, allegations of child abuse and sexual misconduct, financial negligence and malfeasance, religious land use, IRS issues relative to political activities, etc. Have reviewed and assisted in the amendment of hundreds of church and other nonprofit bylaws. Frequent presenter at pastors' seminars on church law issues including, RLUIPA, clergy-penitent privilege, and equal access to the public square.

MEDIA, SPEAKING & TEACHING EXPERIENCE:

- Scores of media appearances and interviews for television, radio, and newspaper including CNN’s Headline News, Los Angeles Times, San Francisco Chronicle, CSPAN II, and NPR.
- Frequent presenter at seminars, debates or speeches on constitutional, school and church law issues.
- Editorial Advisory Board for *Christianity Today’s* Church Law & Tax Group.
- Team taught church law to seminary students with Richard Hammar (LLM, Harvard Law School, author of Pastor Church & Law).

EDUCATION:

J.D.	National Univ. School of Law (Outstanding Student Award in International Law)	San Diego, CA
B.A. (social science)	So. Cal. College (1984) (Dean’s honor roll for GPA)	Costa Mesa, CA
Language Certificate	Shaanxi Normal University	Xian, China
Teaching Credential – California (inactive)		
Teaching Credential – North Carolina (inactive)		

LANGUAGES:

Chinese (Mandarin) – conversational