

## KEVIN WALL SAUNDERS

Office:  
Michigan State University College of Law  
East Lansing, MI 48824-1300  
(517) 432-6911  
saunde44@law.msu.edu

Home:  
2542 Capeside Dr.  
Okemos, MI 48864  
(517) 333-3384  
kwsaunders@aol.com

### EDUCATION:

- J.D. University of Michigan, *Magna Cum Laude* (1984). Order of the Coif. Articles Editor, *Michigan Law Review*.
- Ph.D. (Philosophy) University of Miami (1978). Dissertation Title: *A Method for the Construction of Modal Probability Logics*.
- M.A. (Philosophy) University of Miami (1976).
- M.S. (Mathematics) University of Miami (1970).
- A.B. (Mathematics) Franklin and Marshall College (1968).

### EMPLOYMENT:

- 2001- Professor of Law, Senior Associate Dean for Academic Affairs (2006-07), and Acting Dean (October 25, 2006-February 1, 2007), Michigan State University College of Law (visiting 2001-02). Courses taught: Constitutional Law I & II, First Amendment, Free Expression Seminar, Constitutional Theory Seminar, Comparative Free Expression Seminar, comparative constitutional Law Seminar, Jurisprudence, Criminal Law. Director of the King Scholars (Honors) Program, Adjunct Professor, Department of Communications, Fellow of the Quello Center for Telecommunications Management & Law.
- Visiting Scholar, Wolfson College and the Centre for Socio-Legal Studies, University of Oxford, Hillary Term (January-March), 2008.
- 1986-2002 Professor of Law, University of Oklahoma (Asst. Prof., 1986-88, Assoc. Prof., 1988-91, Prof. since 1991). On leave 1997-98, 2001-02. Courses taught: Constitutional Law, First Amendment, Constitutional Theory Seminar, Free Speech Seminar, Jurisprudence, Criminal Law, Criminal Procedure, Logic and Expert Systems Seminar, Federal Criminal Law, Corporate Criminal Liability, and Professional Ethics. Member of the Graduate Faculty, College of Liberal Studies Faculty, and Film and Video Studies Faculty.

- 1997-98 Visiting James Madison Chair in Constitutional Law and Acting Director of the Constitutional Law Resource Center, Drake University Law School. Teaching Constitutional Law and Constitutional Theory Seminar. Directing the activities of the Constitutional Law Resource Center including organizing Constitutional Law Speaker Series, Annual Symposium on Constitutional Law and the Community Forum Series.
- 1985-86 Assistant Professor of Law, University of Arkansas, Fayetteville. Courses taught: Criminal Law, Criminal Procedure and Remedies.
- 1984-85 Law Clerk to Hon. Kenneth W. Starr, United States Court of Appeals for the District of Columbia Circuit.
- 1979-81 Assistant Professor of Philosophy and Mathematics and Member of the Graduate Faculty, Northern Michigan University, Marquette, Michigan.
- 1976-79 Associate Director for Teacher Education, Comprehensive School Mathematics Program, CEMREL National Education Laboratory, St. Louis, MO.
- 1971-76 Mathematics Coordinator (1975-76), Elementary Mathematics Chairperson (1973-75), Secondary Mathematics Chairperson (1971-73), Mathematics Instructor (1971), Gulliver Academy and Gulliver Preparatory School, Coral Gables, FL.
- 1970 Mathematics Instructor, Adelphi School, Coral Gables, FL.
- 1968-70 Teaching Assistant, Department of Mathematics, University of Miami, Coral Gables, FL.
- Short course, The Judicial Control of Administrative Agencies, Vytautas Magnus University, Kaunas, Lithuania, May, 2005.
- Several terms, primarily in summer sessions, as Visiting Professor of Law, Thomas M. Cooley Law School, while spouse returned to Michigan State University for additional course work. Courses taught: Constitutional Law, Constitutional Theory, Criminal Procedure and Criminal Law.

#### **TEACHING, RESEARCH AND SERVICE AWARDS:**

*Regents' Award for Superior Accomplishment in Research and Creative Activity* -- Received one of two 2001 university wide University of Oklahoma Regents' Awards for superior research or creative activity.

*Haliburton Faculty Development Award* -- Received 1995 Haliburton Faculty Development Award in recognition of outstanding research.

*Associates Distinguished Lectureship* -- Awarded University of Oklahoma Associates Donor Fund Distinguished Lectureship for 1988-89 in recognition of superior teaching, research and service.

*Gentry Award* -- Received the 1986-87 University of Oklahoma College of Law Gentry Award for outstanding teaching and research.

#### **ADDITIONAL LEGAL EXPERIENCE AND SERVICE:**

Brief *Amicus Curiae* on behalf of The Lion & Lamb Project, Mothers Against Violence in America, the Washington Council of Police and Sheriffs, the National Association of School Psychologists, the Alliance for Childhood, and the Washington Chapter of the American Academy of Pediatrics in *Video Software Dealers Ass'n v. Maleng*, 325 F. Supp. 2d 1180, 1186 (W.D. Wash. 2004), arguing in support of the State's restrictions on youth access to violent video games.

Brief *Amicus Curiae* on behalf of The Lion & Lamb Project in support of the appellee in *Interactive Digital Software Association v. St. Louis Co.*, 329 F.3d 954 (8th Cir. 2003), arguing in support of the constitutionality of government restrictions on youth play of violent video games.

On brief for petitioner in *Thompson v. Oklahoma*, 487 U.S. 815 (1988), contesting the constitutionality of imposing the death penalty on an individual who committed murder while still a juvenile.

Consulted in preparation of Petition for Writ of Certiorari in *Funkhouser v. Oklahoma*, *cert. denied*, 490 U.S. 1066 (1989).

Consulted with staff of Representatives Joe Baca and Frank Wolf on a proposed federal law limiting youth access to violent video games, 2002-03.

Consulted with Senate Commerce Committee staff on media violence issues, 1996-97 and 2000-01.

Consulted with Senator Dan Coats' staff on drafting a bill to replace the Communications Decency Act, 1998.

Consulted with House Judiciary Committee staff on the Hyde Amendment to the Juvenile Crime bill, 1999. The amendment would have limited the distribution of violent videos to minors.

Consulted with Prosecuting Attorney's Office for Marquette County, MI in the preparation of the brief and oral argument in *People v. Pegenau*, 523 N.W.2d 278 (Mich. 1994).

Consultant to federal, state and private attorneys on issues of constitutional law, criminal procedure, criminal law, burdens of proof, and constitutional interstate tax immunity of municipal corporations.

Summer Associate, Skadden, Arps, Slate, Meagher & Flom, Washington, D.C., 1984.

Summer Associate, Williams & Connolly, Washington, D.C., 1983.

## **PUBLICATIONS:**

### **LAW RELATED BOOKS:**

SAVING OUR CHILDREN FROM THE FIRST AMENDMENT, New York University Press (2003).

VIOLENCE AS OBSCENITY: LIMITING THE MEDIA'S FIRST AMENDMENT PROTECTION, Duke University Press (1996).

### **LAW RELATED CHAPTERS:**

*The Cost of Errors in the Debate over Media Harm to Children* in CHILD PROTECTION: CHANGING DIMENSIONS 85 (D. Sujatha, ed. 2008)(publication in Ifcai Univ. (India) Press of earlier article).

*The Government Should Help Parents Shield Children from Obscene and Violent Material* in CURRENT CONTROVERSIES: CENSORSHIP 164 (Julia Bauder, ed. 2007)(adapted excerpt).

*Children Should Have Fewer First Amendment Rights Than Adults* in DO CHILDREN HAVE RIGHTS? 104 (Jumuna Carroll, ed. 2006)(adapted excerpt)

*School Newspapers Are Not Equal to the Real-World Press* in STUDENTS' RIGHTS 96 (Laura K Egendorf, ed. 2006)(adapted excerpt).

*Billy Budd and Mandatory Sentences* in SCREENING JUSTICE 227 (Rennard Strickland, Teree Foster & Dennis Greene, eds. 2006)(revision of earlier article).

*Television Violence Causes Societal Violence* in MASS MEDIA: OPPOSING VIEWPOINTS 17 (Byron L. Stay, ed. 1999)(reprinting of chapter from media violence book).

*Media Violence and the Obscenity Exception to the First Amendment* in FIRST AMENDMENT LAW HANDBOOK, 1995-96 EDITION 289 (James Swanson, ed. 1996)(reprint of 1994 article).

### **LAW REVIEW AND JOURNAL PUBLICATIONS:**

*What if Every "If Only" Statement were True?: The Logic of Hypotheticals*, 2008 MICH. ST. L. REV. 9 (2008)(contribution to symposium on hypotheticals in intellectual property law).

*Shielding Children from Violent Video Games through Ratings Offenders Web Sites*, 41 INDIANA L. REV. 55 (2008).

*www.sam's\_stationery\_and\_luncheonette.com: Bringing Ginsberg v. New York into the Internet Age*, 2007 B.Y.U. L. REV. 1661 (2007).

*Virtual Worlds-Real Courts*, 52 VILLANOVA L. REV. 187 (2007).

*The Cost of Errors in the Debate Over Media Harm to Children*, 2005 MICH. ST. L. REV. 771.

*A Disconnect Between Law and Neuroscience: Modern Brain Science, Media Influences and Juvenile Justice*, 2005 UTAH L. REV. 695.

*Should Children Have First Amendment Rights?*, 13(3) THE RESPONSIVE COMMUNITY 12 (2003)(adapted excerpt of forthcoming book). Reprinted as *Protecting the Children: The Paradox of the First Amendment*, 457 CURRENT 8 (Nov. 2003).

*The Need for a Two (or More) Tiered First Amendment to Provide for the Protection of Children*, 79 CHI.-KENT L. REV. 257 (2003).

*Regulating Youth Access to Violent Video Games: Three Responses to First Amendment Concerns*, 2003 L. REV. M.S.U.-D.C.L. 51.

*Regulating the Access of Children to Televised Violence*, 2002 L. REV. M.S.U.-D.C.L. 813.

*Political Theory and Politics Also Matter: A Response to Professor Chemerinsky's "Constitutional Theory Matters,"* 54 OKLAHOMA L. REV. 35 (2001).

*The United States and Canadian Responses to the Feminist Attack on Pornography: A Perspective from the History of Obscenity*, 9 INDIANA INTERNATIONAL & COMP. L. REV. 1 (1998).

*The Role of Freedoms: An Introduction to the Symposium*, 47 DRAKE L. REV. 1 (1998).

*What Logic Can and Cannot Tell Us About Law*, 75 NOTRE DAME L. REV. 667 (1998).

*Electronic Indecency: Protecting Children in the Wake of the Cable and Internet Cases*, 46 DRAKE L. REV. 1 (1997).

*Billy Budd and Mandatory Federal Sentencing in A Symposium on Film and the Law*, 21 OKLAHOMA CITY UNIV. L. REV. 211 (1997).

*Media Self-Regulation of Depictions of Violence: A Last Opportunity*, 47 OKLAHOMA L. REV. 445 (1994).

*Media Violence and the Obscenity Exception to the First Amendment*, 3 WILLIAM & MARY BILL OF RIGHTS JOURNAL 107 (1994).

*Informal Fallacies in Legal Argumentation*, 44 SOUTH CAROLINA L. REV. 343 (1993).

*Realism, Ratiocination and Rules*, 46 OKLAHOMA L. REV. 219 (1993).

*Privacy and Social Contract: A Defense of Judicial Activism in the Privacy Cases*, 33 ARIZONA L. REV. 811 (1991).

*A Formal Analysis of Hohfeldian Relations*, 23 AKRON L. REV. 465 (1990).

*Agency Interpretations and Judicial Review: A Search for Limitations on the Controlling Effect Given Agency Statutory Constructions*, 30 ARIZONA L. REV. 769 (1988).

*Voluntary Acts and the Criminal Law: Justifying Culpability Based on the Existence of Volition*, 49 UNIV. OF PITTSBURGH L. REV. 443 (1988).

*A Logical Look at Special Issue Conflicts*, 19 TEXAS TECH L. REV. 37 (1988).

*Interpretative Rules with Legislative Effect: An Analysis and a Proposal for Public Participation*, 1986 DUKE L.J. 346.

*A Logic for the Analysis of Collateral Estoppel*, 12 RUTGERS COMPUTERS & TECH. L.J. 99 (1986).

*The Mythic Difficulty in Proving a Negative*, 15 SETON HALL L. REV. 276 (1985).

Book Note, 82 MICH. L. REV. 1144 (1984)(reviewing ETHICS, PUBLIC POLICY, AND CRIMINAL JUSTICE (F. Elliston & N. Bowie eds. 1983)).

Note, *The Burden of Proof in Double Jeopardy Claims*," 82 MICH. L. REV. 369 (1983).

Book Note, 81 MICH. L. REV. 909 (1983)(reviewing G. CHRISTIE, LAW, NORMS AND AUTHORITY (1982)).

#### **OTHER LAW RELATED PUBLICATIONS:**

*Federal Court Decision Turns Ozzie and Harriet into Jack-Booted Thugs*, THE MANCHESTER UNION LEADER (June 19, 2001)

*Granholtz on Target with Video Sting*, THE DETROIT NEWS 19A (December 21, 2000).

*Violence in Media Can Be Restricted: Congress Can Create Limits that Will Meet Constitutional Muster*, THE LANSING STATE JOURNAL 11A (November 15, 2000).

*Virtual Killing Sprees and Kids Just Don't Mix*, USA TODAY 25A (October 12, 2000).

*Protecting Children from TV: Include Violence in Obscenity Definition*, THE PROVIDENCE JOURNAL (October 4, 2000).

*Confine TV Violence to Late at Night*, THE PROVIDENCE JOURNAL (August 8, 2000). Also published as *Television Violence as Obscenity*, SAN DIEGO UNION-TRIBUNE B9 (September 5, 2000); *Keep Violent Shows on Late-Night Schedule*, THE DES MOINES REGISTER 7A (October 3, 2000).

*Regulating Internet Indecency* in UPDATE ON LAW-RELATED EDUCATION 8 (American Bar Association, Summer/Fall 1998).

Testimony of Kevin W. Saunders before the United States Senate Committee on Commerce, Science and Technology (1997)

A LIFE IN THE LAW, American Bar Association (1997) (with Brian Doan, Charles White & Rodney Smith).

*Public Scrutiny for Public Figures*, THE DES MOINES REGISTER A9 (September 16, 1997).

*The V-Chip: Coming Up Short or Constitutional Overreaching?*, WEST VIRGINIA UNIV. COLLEGE OF LAW J. OF L. & TECH. (on line journal at [www.wvjolt.wvu.edu/wvjolt/current/issue1/articles/saunders/saunders/htm](http://www.wvjolt.wvu.edu/wvjolt/current/issue1/articles/saunders/saunders/htm))(1997).

*Defining What's "Obscene" and What's on Television*, THE WASHINGTON TIMES A15 (August 6, 1996).

*Media Violence and the First Amendment*, Continuing Legal Education publication, Oklahoma County Bar Association (1995).

*Discrimination Against Asian Americans in University Admissions*, ASIAN ADVOCATE 7 (Spring, 1993).

*Privacy and the Courts: A Defense of Judicial Activism in THE SUPREME COURT & THE CONSTITUTION 50*, Continuing Legal Education publication, University of Oklahoma (1990).

#### **PUBLICATIONS IN OTHER AREAS:**

THE KEMPTON/KIMPTON FAMILY IN NORTH AMERICA: FROM PLYMOUTH COLONY THROUGH THE TENTH GENERATION, Gateway Press (2000)(written by Morton W. Saunders, 1916-98; edited by Eleanor F. Saunders & Kevin W. Saunders).

*On Target for Friendship: Using Relational Diagrams in Teaching Friendship Skills to Behaviorally Disordered Children*, 21 TEACHING EXCEPTIONAL CHILDREN (no. 4, p. 54, Summer 1989) (with M. Scott).

*Pictorial Languages in Problem Solving in PROBLEM SOLVING IN SCHOOL MATHEMATICS 61*, National Council of Teachers of Mathematics, 1980 (with J. Schneider).

*Logical Thinking and Multiple Classification in Kindergarten Students*, 2 THINKING No. 2, p. 39 (1980) (with L. Meyerson).

*A Model for the Mathematics Education of Gifted Secondary School Students*, 7 MENSA RESEARCH JOURNAL 40 (1980) (with M. Herbert).

*Logic Activities for Kindergarten*, 19 MATHEMATICS IN MICHIGAN 1 (1980).

CSMP MATHEMATICS FOR THE FIRST GRADE (two volumes) (CEMREL Institute, 1979) (writing team leader).

INTRODUCTION TO FIELDS (CEMREL Institute, 1978) (member of writing team).

*Ordered n-Tuples in ELEMENTS OF MATHEMATICS: INTUITIVE BACKGROUND* (separately bound monograph) (CEMREL Institute, 1978) (member of writing team).

LOGIC AND SETS (CEMREL Institute, 1977) (member of writing team).

INTRODUCTORY LOGIC (CEMREL Institute, 1976) (member of writing team).

#### **SELECTED PRESENTATIONS:**

#### **CONGRESSIONAL AND STATE LEGISLATIVE TESTIMONY:**

United States Senate Judiciary Committee's Subcommittee on the Constitution, Civil Rights, and Property Rights, hearings on video game legislation and litigation, March, 2006.

United States Senate Committee on Commerce, Science and Technology Hearings on the Television Ratings System, February, 1997.

Informational Briefing of the House Appropriations Committee Subcommittee on Commerce, State and Justice, organized by Committee Chair Frank Wolf and Representative Joe Baca on limiting youth access to violent video games, May 2003.

Michigan State Senate Judiciary Committee hearings on a bill to limit the sales of violent video games to minors, April, 2005.

California State Assembly Judiciary Committee hearings on a bill to limit access of minors to violent video games, April, 2005.

#### **ACADEMIC ORGANIZATIONS AND INSTITUTIONS:**

Norwich Law School, University of East Anglia, February, 2008.

Oxford University Centre for Socio-Legal Studies, May, 2007.

University of Essex School of Law, Colchester, UK, February, 2007.

Brigham Young University, J. Reuben Clark College of Law, Provo, UT, February, 2007.

National Summit on Video Games, Youth and Public Policy, organized by the National Institute on Media and the Family and the Iowa State University Center for the Study of Violence, Minneapolis, MN, October, 2006

Jagiellonian University School of Law, Krakow, Poland, May, 2006.

Association of American Law Schools Mass Communications Law Section, Washington, DC., January, 2006.

Future Play: The International Academic Conference on the Future of Game Design and Technology, East Lansing, MI, October, 2005.

State of Play II Conference on Virtual Worlds, organized by New York Law School and Yale University Law School, New York, October, 2004.

Law & Society Association, Panel on Violent Video Games and an Author meets the Reader Panel on *Saving Our Children from the First Amendment*, Chicago, May, 2004.

Roger Williams University College of Law, October, 2003.

Quello Conference on Telecommunications Law & Technology, Washington, DC, March, 2002.

Central States Law School Association, East Lansing, MI, October, 2001.

Krinoch Lecture Series, Thomas M. Cooley Law School, May, 2001.

James Madison Lecture, Drake University, January, 1998.

Invited Participant, Carnegie Corporation/Center for Media Education Round Table on Children and Electronic Communications, Benjamin Cardozo Law School, Yeshiva University, November, 1996.

West Virginia University College of Law, August, 1966.

Detroit College of Law at Michigan State University, October, 1966.

Michigan State University Department of Telecommunications and Journalism School, November, 1966.

Universite d'Auvergne, Clermont-Ferrand, France, November, 1995.

Law and Society Association Annual Meeting, Toronto, June, 1995.

Krinoch Lecture Series, Thomas M. Cooley Law School, June, 1995.

Association of American Law Schools Conference on Constitutional Law, Ann Arbor, Michigan, June, 1993.

#### **SELECTED TELEVISION AND RADIO:**

*The Jack Lessenberry Show*, WUOM-FM, University of Michigan Public Radio (December 20, 2005).

*Viewpoint with Lockwood Phillips*, WTKF-FM, Moorhead City, NC (March 24, 2004).

*The Charity Nebbie Show*, WUOM-FM, University of Michigan Public Radio (March 9, 2004).

*Michigan Monday*, WKAR-AM, Michigan State University Public Radio (February 9, 2004).

*Early Afternoon with Kevin Vandenbrook*, WKZO-AM, Kalamazoo, MI (January 28, 2004).

*Fellendorf & Company*, WKBK-AM, Keene, NH (August 18, 2001).

*Nick News with Linda Ellerbee*, The Nickelodeon Network (January 21, 2001).

*Capital Pressroom*, Michigan Radio News Network (taped November 10, 2000).

*The Jason Jarvis Show*, nationally syndicated radio talk show (2000).

*The Diane Rehm Show*, National Public Radio (July 15, 1999).

*The Jack Cole Show*, WJNO radio, West Palm Beach, FL (June 10, 1999) (syndicated throughout Florida).

*Mark Caesar & Ed Clemons Show*, KLBJ radio, Austin, TX (June 10, 1999).

WCNN radio, Atlanta, GA (June 15, 1999).

*Legal Lines*, West Virginia University television (1996).

WKAR, Michigan State University radio (1996).

*The Arlene Violet Show*, WHBJ radio, Providence, RI (1996).

#### **CONTINUING LEGAL EDUCATION & PUBLIC SERVICE:**

Michigan Association of Municipal Attorneys, Lansing, MI, March, 2005, and Mackinac Island, MI, June, 2004.

Moderator and Panelist on the University of Michigan Affirmative Action cases, Michigan State University, March and September, 2003.

Panel on Media Violence with Motion Picture Association President Jack Valenti, Film Producer Todd McFarland and Padukah High School shooting plaintiff's attorney Jack Thompson, Association of Alternative Newsweeklies Annual Meeting, Phoenix, AZ, 2000.

Moderator and Panelist, Symposium on the Role of Freedoms, Drake University, April, 1998.

Moderator and Panelist, Community Forum on Race Relations, Drake University, January, 1998.

Moderator and Panelist, Community Forum on Privacy and Paparazzi, Drake University, September, 1997.

Panelist for a day long seminar with Motion Picture Association President Jack Valenti on media and society, University of Oklahoma, April, 1996.

University of Oklahoma program for visiting judges, attorneys and law professors from Kazakhstan, Azerbaijan and Kyrgyzstan, Norman, Oklahoma, September, 1995.

Continuing Legal Education Program, Oklahoma County Bar Association, October, 1995.

Norman, Oklahoma Police Academy, October, 1991.

Panelist in Continuing Legal Education program on "The Supreme Court and the Constitution," University of Oklahoma Law Center, September, 1990.

Series of public lectures and discussions on the Constitution in Duncan, Oklahoma, Fall, 1987.

#### **MAJOR COMMITTEE APPOINTMENTS AND ACADEMIC SERVICE ACTIVITIES:**

American Bar Association Section of Legal Education and Admissions to the Bar, Pre-Law Committee (1995-2001).

American Bar Association Section of Legal Education and Admissions to the Bar, Committee on Professionalism (1999-2001).

Association of American Law Schools Council on Empirical Research (1994-96).

Referee for JOURNAL OF LEGAL EDUCATION; JURIMETRICS JOURNAL; LAW & PHILOSOPHY; JOURNAL OF MEDIA LAW & ETHICS; PSYCHOLOGY, PUBLIC POLICY & LAW; New York University Press; Oxford University (Oceana) Press; University of Michigan Press; Pennsylvania University Press; Kluwer Academic Press; St. Martin's Press; University of Alabama Press and Aspen Publications.

Michigan State University College of Law committee chairs: Curriculum Committee (2003-04), Faculty Appointments Committee (2005-08), Faculty Programs Committee (2002-03), Admissions Committee (2008-09).

University of Oklahoma committee appointments: Presidential Search Committee (1988-89), Athletics Council Chair (1990-91) and member (1989-91), Provost's Campus Departmental Review Panel (1991-92).

University of Oklahoma College of Law major committee appointments: Dean Search Committee (1995-96), Enrichment (Programs) Committee Chair (1987-91, 1994-95), Personnel Committee Chair (1992-93), Program Review Committee Chair (1995-96).

University of Oklahoma College of Business Dean Search Committee (1999-2000).

**DISSERTATION AND THESIS COMMITTEES:**

Dr. Darien DeBolt, Ph.D. in Philosophy awarded December, 1993. Dissertation Title: "Probable Cause: A Philosophical Inquiry."

Kristen Hefley, Master of Liberal Studies awarded May, 2001. Thesis Title: "The Naked Truth: Attitudes and Behaviors of Male and Female Customers to an Adult Novelty Store."

**BAR ADMISSION:**

District of Columbia, 1985.

Michigan, 2003.

**PERSONAL:**

Born in Providence, Rhode Island on January 9, 1947.

Married to Dr. Mary E. Scott; one child, Molly J. Saunders-Scott, age 22.