

## JAMES R. MASON, III

### PROFESSION

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Engaged in the general practice of law with non-profit advocacy organization Home School Legal Defense Association (HSLDA), Purcellville, Virginia since August of 2001.

### NATURE OF PRACTICE

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Trial and appellate practice in areas of civil rights and constitutional law.

### CASES

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*Romeike v. Holder*, 718 F.3d 528 (6th Cir. 2013), holding that Germany's enforcement of its general school-attendance law against homeschoolers did not amount to persecution under the Immigration and Nationality Act;

*Loudermilk v. Danner*, 449 Fed.Appx. 693 (9th Cir. 2011), holding that a reasonable police officer would not have known, at time of search, that it was coercive to explain to parents that taking temporary custody of parents' children under state law was viable option, or that consent to search was involuntary when officers withdrew their initial threat to enter home without warrant;

*Combs v. Homer-Center School District*, 540 F.3d 231 (3d Cir. 2008), holding that Pennsylvania law governing reporting and superintendent review requirements of home-schooled children was not unconstitutional under the First Amendment;

*Loudermilk v. Arpaio*, 2007 WL 2892951 (D. Ariz. 2007), holding that the complaint, viewed in the light most favorable to Plaintiffs, sufficiently alleged that the defendant exerted coercive pressure on the plaintiffs to allow the search of their home so that their children would not be removed;

*Durkee v. Livonia Cent. School Dist.*, 487 F.Supp.2d 313 (W.D. N.Y. 2007), holding that the IDEA does not permit a school district to compel the evaluation of a student for determination of eligibility for publicly-funded special education services where the student's parent objects to the evaluation and refuses to accept publicly-funded special-education services;

*Combs, et. al v. Homer-Center School District, et al*, --- F.Supp.2d ---- (2006 WL 1453532) holding that the Pennsylvania homeschooling statute did not violate Pennsylvania Religious Freedom Protection Act (PRFPA), and did not violate Free Exercise Clause.

*Fitzgerald v. Camdenton R-III School District*, 439 F.3d 773 (8th Cir. 2006), holding that the federal Individuals with Disabilities in Education Act (IDEA) does not give public schools jurisdiction over homeschooled children who may have special needs;

*Owens v. Parinello*, 365 F.Supp.2d 353 (2005), seeking damages and relief based on alleged violations of a student's constitutional rights to due process and equal protection; also alleging violation of New York homeschool statute;

*In re Petition to Compel Cooperation with Child Abuse Investigation*, 875 A.2d 365 (Pa.Super., 2005) holding that a social services petition failed to establish probable cause under the 4th Amendment, and was insufficient support for a court order to compel parents to cooperate with a "home visit;"

*Theiss v. Principi*, 18 Vet.App. 204 (Vet.App. 2004), holding that Department of Veterans Affairs' interpretation that a home school is not an "educational institution" for purposes of entitlement to dependent pension benefits was not a reasonable statutory interpretation;

*Landell v. Sorrell*, 382 F.3d 91 (4th Cir. 2004) challenging Vermont's comprehensive campaign finance system. Reversed *sub nom under Randall v. Sorrell*, 126 S.Ct. 2479 (U.S. Sup. Ct. 2006), holding that (1) Vermont campaign finance statute's expenditure limits on amounts candidates for state office could spend on their campaigns violated First Amendment free speech protections, and (2) statute's contribution limits on contribution amounts for campaigns of candidates for state office violated First Amendment free speech protections;

*Goulart v. Meadows, et al*, 345 F.3d 239, 246 (4th Cir. 2003), holding that (1) county policy banning use of community centers for private educational activity did not implicate First Amendment right of free expression of parents of homeschooled children; (2) minimal judicial scrutiny applied to review of county policy, in equal protection analysis; and (3) policy did not violate equal protection rights of parents;

*In re Stumbo*, 582 S.E.2d 255 (N.C. 2003), holding that an anonymous report of a naked two-year old child on a driveway unsupervised was insufficient to constitute "neglect" for purposes of child welfare investigations;

*Pelletier v. Maine Principals' Association*, 261 F.Supp.2d 10 (D.Me. 2003), holding that homeschooling parents did not have a fundamental right to have their children participate in sports through the public school;

*Harrahill v. City of Monrovia*, 104 Cal.App.4th 761, (Cal.App.2.Dist., 2002), holding that a city ordinance that prohibited children from being in public places other than school during school hours was constitutional;

*Beaumont v. Federal Election Commission*, 278 F.3d 261 (4th Cir. 2002), striking down federal statute and regulations banning corporate independent expenditures and contributions as applied to a nonprofit, ideological corporation (reversed);

*Virginia Society for Human Life, Inc. v. Federal Election Commission*, 263 F.3d 379 (4th Cir. 2001), striking down FEC regulation of “issue of advocacy,” nationwide injunction issued;

*Florida Right to Life v. Lamar*, 238 F.3d 1288 (11th Cir. 2001); striking down Florida’s “political committee” statute as unconstitutional under the First Amendment;

*Touchston v. McDermott*, 234 F.3d 1130 (11th Cir. 2000); Florida Election Case challenging constitutionality of Florida’s “Manual Recount Statute” on behalf of voters (dismissed after Florida Legislature substantially revised the statute);

*Perry v. Bartlett*, 231 F.3d 155 (4th Cir. 2000), striking down state campaign finance statute;

*Daggett v. Governmental Comm’n on Ethics and Elections*, 205 F. 3d 445 (1st Cir. 2000), upholding state campaign finance statute;

*Iowa Right to Life v. Williams*, 187 F. 3d 963 (8th Cir. 1999), striking down a state regulation of “issue advocacy” and a state statute requiring political committees to immediately notify “benefited” candidates after making an independent expenditure and requiring the candidate to “disavow” the communication or count it as a contribution;

*Virginia Society for Human Life, Inc v. Caldwell*, 187 F.3d. 633 (4th Cir. 1999), affirming the district court's denial of motion to recover attorneys' fees and expenses under 42 U.S.C. § 1988;

*Kansans for Life v. Gaede*, 38 F. Supp. 928 (D. Kan. 1999), striking down state election commission reporting requirement (no appeal taken)

## ADMITTED

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U.S. Supreme Court (June 24, 2002); Oregon Supreme Court (September 1996); U.S District Court, Western District of Michigan (October 2003); U.S. District Court, Southern District of Indiana (March 2001); U.S. Court of Appeals for Veterans Claims (October 2001); U.S. Court of Appeals for the First Circuit (February 2000); U.S Court of Appeals for the Third Circuit (July 2006); U.S. Court of Appeals for the Fourth Circuit (March 2000); U.S Court of Appeals for the Fifth Circuit (December 2006); U.S Court of Appeals for the Sixth Circuit (August 2012); U.S. Court of Appeals for the Eighth Circuit (March 1999); U.S. Court of Appeals for the Ninth Circuit (December 2010); U.S. Court of Appeals

for the Eleventh Circuit (February 2000); and the U.S. Court of Appeals for the Federal Circuit (April 2005).

#### OTHER LEGAL EXPERIENCE

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**Associate:** Bopp, Coleson, & Bostrom, Terra Haute, Indiana; May 1998 to August 2001

**Judicial Clerk:** Oregon State Court of Appeals, Judge Walter I. Edmonds; August 1996 to May 1998

**Law Clerk:** Norfolk City Attorney's Office, Norfolk, Virginia. Contract employee, 80 hours per month, 1995-1996 academic year. Assisted Senior Deputy in all aspects of civil litigation including: analyzing cases/researching legal issues; drafting briefs in support of motions in Federal Court.

**Law Clerk:** National Legal Foundation, Virginia Beach, Virginia. May-September 1995. Public Interest First Amendment Law Firm. Assistant to Executive Director, Robert Skolrud.

#### EDUCATION

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May 11, 1996: Regent University School of Law, Virginia Beach, Virginia  
**Juris Doctor, Magna Cum Laude (5/106)**

#### HONORS

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**Law Review:** Editor-in-Chief

**Award of Excellence:** Outstanding Graduate—selected by the faculty

**Jean B. James Memorial Scholarship:** “In recognition of a strong commitment to Christ, family, the sanctity of marriage and a vision for the preservation of liberty through faith and rule of law.”

#### PUBLICATION

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**Note:** *Smith's Free-Exercise Hybrids Rooted in Non-Free-Exercise Soil*; Regent University Law Review, Fall 1995

#### UNDERGRADUATE

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**Bachelor of Science in American Studies**, 1978; Oregon State University Naval R.O.T.C. Scholarship

## PROFESSIONAL EXPERIENCE

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### **Parole and Probation Officer**, Oregon 1987-1993

Supervised a caseload of felony offenders. Reported in writing to local judges and testified in court. Conducted background investigations on law enforcement applicants. Made public presentations to local civic groups. Wrote policy and initiated Electronic Supervision Program.

## AWARDS RECEIVED

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### **Top Scholastic Award**, Oregon Police Academy, 1988

**Letters of Commendation:** 1990, 1990, 1989, 1988

## MILITARY

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### **Surface Warfare Officer**, U.S. Navy, 1978-1982

Officer-of-the-Deck, Underway. Command Duty Officer: Responsible for the security of the vessel import. Handled complicated, dangerous situations in the absence of the vessel's Commanding Officer. First Lieutenant: Managed up to 100 officer and enlisted personnel during complex amphibious operations. Administrative/Personnel Officer: Managed 10 clerical personnel in ship's office.

## NAVAL RESERVES

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### **Naval Liaison Officer**, 1984-1994

Recalled to active duty for Operation Desert Storm. Served as Naval Liaison Officer between Military Sealift Command and foreign flag vessels laden with vital military cargo in Persian Gulf.