

My name is John O. Tyler, Jr. I am an attorney licensed to practice law in Texas since 1978. I am Board Certified in Civil Trial Law and I am also Board certified in the Personal Injury Trial Law by the Texas Board of Legal Specialization.

During my career I have represented numerous public school districts across Texas, including two large urban school districts in Houston, Spring Branch ISD and Alief ISD. I was appointed a Special Assistant Attorney General by Attorney General Mark White and represented Texas A&M University in two constitutional law cases in the United States District Court for the Southern District of Texas, the 5th Circuit Court of Appeals, and the United States Supreme Court.

I have taught at the Law School level, the University level, and in High School. I currently teach full time at a private school in Houston and at Houston Baptist University.

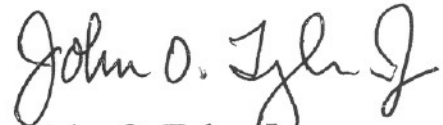
All this being said, I would like to limit my remarks in support of this Bill at this late hour to one point. Because of my belief in the importance of freedom of religious expression under the 1st Amendment of the Constitution, and because no religious expression is permitted in the public school district where I reside, the Spring Branch ISD, I educated all four of my children in a private school where freedom of religious expression is permitted. On average I paid tuition of \$10,000 per year for 13 years for each of my four children. This totals \$520,000. I am fortunate in that as an attorney I was able to afford this expense. Many Texans, however, are unable to afford private schools for their children, and due to the widespread repression of their freedom of religious expression, their children thereby suffer discrimination in the repression of their rights of religious expression.

This bill seeks only to codify recent opinions by the United States Supreme Court regarding the student rights to expression of their faith. It thereby serves an

Testimony of John O. Tyler, Jr.

essential function by giving guidance to school district administrators who, to a surprising degree, mistakenly believe that all religious expression by students is strictly illegal. As the United States Supreme Court held in 2001 in the case of *Good News Club v. Milstead*, "speech discussing otherwise permissible subjects cannot be excluded from a limited public forum on the ground that the subject is discussed from a religious viewpoint." Excluding a "religious perspective constitutes unconstitutional viewpoint discrimination."

I have carefully analyzed this bill and the codification of current law in the bill and model policy faithfully follow current law. I urge its passage in the strongest possible terms.

A handwritten signature in black ink that reads "John O. Tyler, Jr." The signature is written in a cursive style with a large, stylized "J" at the beginning and a long, sweeping underline.

John O. Tyler, Jr.

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EDUCATION

B.A., TEXAS A&M UNIVERSITY, 1975 (Summa Cum Laude)

National Merit Scholar
President's Scholar (Full Scholarship)
Student Body Vice President
Corps of Cadets, Fourth Group Staff
Ross Volunteers
Outstanding Liberal Arts Student
Outstanding Student Senator

J.D., SMU SCHOOL OF LAW, 1978

Sumner's Scholar (Full Scholarship)
Editor, Journal of Air Law & Commerce
Thomas McElroy Award (Texas Pre-Trial Procedure)

LEGAL EXPERIENCE

BRIEFING ATTORNEY

Chief Justice Clarence Guittard, 1978-1979
Dallas Court of Civil Appeals

TWENTY SIX YEARS CIVIL TRIAL EXPERIENCE

REYNOLDS, ALLEN, AND COOK 1979-1986
Litigation Associate and Partner
SHANNON, TYLER, BELLER, AND PEARSON, P.C. 1986-1990
Founder and Head of Litigation
TYLER AND PEARSON, P.C. 1990-1994
Founder and Head of Litigation
TYLER & DAS, P.C. 1994-2006
Founder and Head of Litigation

BOARD CERTIFICATION

CIVIL TRIAL LAW: 1998

PERSONAL INJURY TRIAL LAW: 1999

LEADING ARTICLES

Emerging Theories of Lender Liability In Texas, 24 HOUSTON LAW REVIEW 411 (1987)
(selected as the outstanding leading article of the year by the Houston Law Review).

Reform of the Texas Venue Statute, A Reform Long Overdue, 32 BAYLOR LAW REVIEW 561
(1980) (selected as one of the four best leading articles of the year by the Texas Bar
Foundation).

The Intrastate Exception to CAB Regulation, 44 JOURNAL OF AIR LAW & COMMERCE 375
(1974).

PERSONAL AND CIVIC

Married to the former Odile Mary Zientek, August 26, 1978. (We met at SMU Law School).
We have four children. Our children attend Second Baptist School in Houston, Texas.
Our family has attended Bethel Independent Presbyterian Church in Houston, Texas since 1978.
Deacon, Bethel Independent Presbyterian Church in Houston, Texas
Board of Directors, AD Players, Houston, Texas
President's Cabinet, College of Biblical Studies, Houston, Texas
President, Parent's Association, Second Baptist School, Houston, Texas