

MICHAEL R. DIMINO

Widener Law Commonwealth
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ACADEMIC APPOINTMENTS

WIDENER UNIVERSITY COMMONWEALTH LAW SCHOOL, Harrisburg, Pa. 2004-Present
Professor of Law (July 2015-Present)
Associate Professor of Law (July 2007-June 2015) (Tenure Received in 2010)
Assistant Professor of Law (July 2004-June 2007)

Courses: Constitutional Law; First Amendment; Criminal Procedure; Criminal Law; Election Law; Administrative Law; Legislation; Federal Courts; Contracts; Public International Law/National Security Law; Sports Law; Sexuality, Gender, & Law; Supreme Court Politics
Research Areas: Voting Rights & Election Law, Judicial Selection, First Amendment, Search-and-Seizure Law
Honors: Douglas E. Ray Award for Faculty Scholarship (2016 and 2010)

UNIVERSITÀ DEGLI STUDI ROMA TRE, Rome, Italy Spring 2018
Fulbright Scholar
Courses: Law of Democratic Representation; U.S. Law and Foreign Policy

UNIVERSITY OF SOUTH CAROLINA SCHOOL OF LAW, Columbia, S.C. Spring 2015
Visiting Associate Professor of Law

FLORIDA STATE UNIVERSITY COLLEGE OF LAW, Tallahassee, Fla. 2008-09
Visiting Associate Professor of Law

STETSON UNIVERSITY COLLEGE OF LAW, Gulfport, Fla. Summer 2008
Visiting Assistant Professor of Law

PENN STATE UNIVERSITY, DICKINSON SCHOOL OF LAW, Carlisle, Pa. Summer 2007
Visiting Assistant Professor of Law

EDUCATION

HARVARD LAW SCHOOL – J.D., *cum laude* June 2001
Articles Editor, *Harvard Journal of Law and Public Policy*

STATE UNIVERSITY OF NEW YORK AT BUFFALO – Two B.A.s, *summa cum laude* June 1998
Majors: History and Political Science
Honors: *Phi Beta Kappa*; University Honors Program; Plesur History Scholarship

PROFESSIONAL ACTIVITIES

Senior Associate Editor, <i>Italian Law Journal</i>	2017-Present
Executive Committee Member, Free Speech and Election Law Practice Group, Federalist Society for Law and Public Policy Studies	2011-Present
Member of the Constitutional Law and Election Law Resource Teams, as well as the Moderator and Program Committees, Southeast Association of Law Schools (SEALS)	2018-Present
Member of the James S. Bowman Inn of Court	2012-14 & 2019-Present
Member of the Federal Bar Association	2019-Present
Member of the American Bar Association	2005-Present
Member of the Pennsylvania Bar Association	2019-Present
Member of the Dauphin County Bar Association	2019-Present
Member of the inaugural Executive Committee of the AALS Section on Election Law	2014-15
Executive Committee Member, AALS Section on Legislation and the Law of the Political Process	2013-14

BOOKS

- THE MUELLER INVESTIGATION AND BEYOND (Carolina Academic Press) (with Ellen S. Podgor et al.) (forthcoming)
- UNDERSTANDING ELECTION LAW AND VOTING RIGHTS (Carolina Academic Press) (with Bradley A. Smith and Michael E. Solimine) (2016)
- VOTING RIGHTS AND ELECTION LAW (LexisNexis) (with Bradley A. Smith and Michael E. Solimine) (with teacher's manual and annual supplements) (2d ed. 2015; 1st ed. 2010)
- SPORTS LAW: CASES AND MATERIALS (Carolina Academic Press, 2d ed. 2007) (with Michael J. Cozzillio, Mark S. Levinstein, and Gabe Feldman) (with teacher's manual (2012))

ARTICLES AND ESSAYS

- A Foolish Inconsistency: Religiously and Ideologically Expressive Conduct*, 4 ITALIAN L.J. 621 (2018), available at <http://theitalianlawjournal.it/data/uploads/4-italj-2-2018/619-dimino.pdf>
- The Rules of the Game: The Constitution and the Lawmaking Process*, in PENNSYLVANIA POLITICS AND POLICY 1 (J. Wesley Leckrone & Michelle J. Atherton eds. 2018).
- Minnesota Voters Alliance v. Mansky *Strikes Down a Vague Ban on Speech in Polling Places, But Future Bans May Be Upheld*, 19 FED. SOC. REV. 134 (2018)
- Is There a Better Way to Elect the President?*, 2 CIVITAS 17 (2016)
- Image Is Everything: Politics, Umpiring, and the Judicial Myth*, 39 HARV. J.L. & PUB. POL'Y 397 (2016) (solicited)

- Tort Liability for Sports Officials*, REFEREE (Feb. 2015)
- It's My Party and I'll Do What I Want To: Political Parties, Unconstitutional Conditions, and the Freedom of Association*, 12 FIRST AMEND. L. REV. 65 (2014)
- Shelby County, Alabama v. Holder: *Must Congress Update the Voting Rights Act's Coverage Formula for Preclearance?*, 14 ENGAGE 56 (2013)
- Untitled Review of MITCHEL A. SOLLENBERGER, JUDICIAL APPOINTMENTS AND DEMOCRATIC CONTROLS (2011), 22 LAW AND POLITICS BOOK REVIEW 52 (2012)
- The Natural and the Familiar in Politics and Law*, 56 ST. L. U. L. REV. 701 (2011)
- Public Confidence and Judicial Campaigns*, 56 WAYNE L. REV. 705 (2011)
- Police Paternalism: Community Caretaking, Assistance Searches, and Fourth Amendment Reasonableness*, 66 WASH. & LEE L. REV. 1485 (2009)
- We Have Met the Special Interests and We Are They*, 74 MO. L. REV. 495 (2009)
- Untitled Review of CHARLES L. ZELDEN, *BUSH V. GORE: EXPOSING THE HIDDEN CRISIS IN AMERICAN DEMOCRACY* (2008), 19 L. & POLS. BOOK REV. 35 (2009)
- Accountability Before the Fact*, 22 NOTRE DAME J.L. ETHICS & PUB. POL'Y 451 (2008)
- The Non-Political Branch*, 10 TEX. REV. L. & POLS. 449 (2006) (reviewing LEE EPSTEIN & JEFFREY A. SEGAL, *ADVICE AND CONSENT* (2005))
- Counter-Majoritarian Power and Judges' Political Speech*, 58 FLA. L. REV. 53 (2006)
- The Worst Way of Selecting Judges—Except All the Others That Have Been Tried*, 32 N. KY. L. REV. 267 (2005)
- The Futile Quest for a System of Judicial "Merit" Selection*, 67 ALB. L. REV. 803 (2004)
- Pay No Attention to That Man Behind the Robe: Judicial Elections, the First Amendment, and Judges as Politicians*, 21 YALE L. & POL'Y REV. 301 (2003)
- All the President's Men? Executive Departments and Executive Privilege*, 2 _____ (now GEO.) J.L. & PUB. POL'Y 68 (2001), at <http://www.geocities.com/predjour/dimino.html>
- Comment, *Yes, Virginia (Tech), Our Government Is One of Limited Powers*, 24 HARV. J.L. & PUB. POL'Y 895 (2001)
- Comment, *D.C. Circuit Revives Nondelegation Doctrine . . . Or Does It?*, 23 HARV. J.L. & PUB. POL'Y 581 (2000)
- Entries in the ENCYCLOPEDIA OF AM. GOV'T & CIVICS (2008), the ENCYCLOPEDIA OF CIVIL LIBERTIES (2006), & the ENCYCLOPEDIA OF THE SUPREME COURT (2005)

PRESENTATIONS

- First Amendment and Freedom of the Press, Federal Bar Association (August 2019).
Spoke at several sessions concerning the political-question doctrine, personal-use limits on campaign funds, and expressive conduct, Southeast Association of Law Schools annual conference, July-August 2019.
- Federalist Society teleforum on partisan gerrymandering, June 2019.

Spoke about free speech and expressive conduct to the Duquesne Law faculty, Apr. 2019.

Spoke about the meaning of “high crimes and misdemeanors,” Wilkes University, Mar. 2019.

Spoke on Supreme Court Appointments to the Dauphin County Bar Association, Nov. 2018.

Debated the Supreme Court Appointments Process, Widener Law Commonwealth, Oct. 2018.

Gave the 2018 Constitution Day speech at Wilkes University, entitled “Supreme Court Appointments and the Battle for the Constitution.”

Spoke at the August 2018 SEALS conference concerning the legacy of Justice Kennedy.

Spoke at University of Sannio (Benevento, Italy) and Università Degli Studi Roma Tre about symbolic speech and anti-discrimination law, April 2018.

Spoke at the 2017 *Widener Law Journal* symposium concerning the American electoral systems’ failure to make effective use of the partisanship of the public and of politicians.

Discussed *Fisher v. Texas* at the Pennsylvania Bar Association Diversity Summit, October 2016.

Discussed Justice Scalia’s contributions to administrative law at a meeting of the Commonwealth Court Historical Society, October 2016.

Debated “Justice Scalia’s Originalism” at the Dauphin County Bar Association, September 2016.

Spoke at two sessions during the 2016 SEALS conference concerning the careers and legacies of Justices Scalia and Thomas.

Debated the meaning of the Fourth Amendment at Duquesne Law School, March 2016.

Spoke at the University of South Carolina School of Law concerning the rules of judges and umpires, with particular attention to appeals and instant replays, February 2016.

Moderated Pennsylvania Bar Institute programs on the careers of Thomas Jefferson, John Adams, and Benjamin Franklin.

Spoke on two panels at the 2015 SEALS conference re: judges, umpires, and instant replay; and fund-raising in judicial campaigns.

Spoke on two panels at the 2014 SEALS conference re: campaign finance and judicial deception.

Was selected via a call for papers to speak at the 2014 AALS annual meeting concerning constitutional voting-rights claims, January 2014.

Spoke at the Pennsylvania Bar Institute’s Constitutional Law Conclave concerning the Supreme Court’s upcoming Term, October 2013.

Spoke to the Commonwealth Court Historical Society re: *Citizens United*, September 2013.

Spoke at Villanova Law School concerning current issues in election law, September 2013.

Spoke at an event for the Pennsylvania Bar Institute about campaign finance, April 2013.

Spoke at an event for the Pennsylvania Commonwealth Court Historical Society concerning Abraham Lincoln and Civil Liberties, April 2013.

Presented research on political parties’ First Amendment rights at Univ. of South Carolina, February 2013.

Addressed newly elected Pennsylvania legislators about the state constitution, January 2013.

Spoke at several fora sponsored by Widener’s Law and Government Institute and televised on PCN concerning campaign finance and federalism, 2012-13.

Debated the constitutionality of Pennsylvania’s Voter-ID law, October 2012.

Debated the merits of the Supreme Court’s healthcare decision, October 2012.

Presented research at the ASU Junior Scholars Conference, March 2012.

Presented recommendations about redistricting to a committee of the Pennsylvania Bar Association, Spring 2012.

Presented ideas concerning redistricting priorities to members of Pennsylvania’s redistricting commission and applied for the commission’s chairmanship, Spring 2012.

Debated retired Michigan Supreme Court Justice Clifford Taylor concerning judicial-selection methods, at an event held January 20, 2011, at the Ave Maria Law School.

Spoke at the Middle District of Pennsylvania's Bench/Bar Conference concerning the Supreme Court's 2009 Term, September 16, 2010.

Spoke about judicial independence at Wilkes University, March 10, 2009.

Spoke about interest groups and judicial elections as part of a symposium at the University of Missouri School of Law, February 27, 2009.

Testified before the Kansas House of Representatives' Committee on the Judiciary concerning proposed revisions to that state's form of judicial selection.

Spoke about judicial independence and accountability at a conference at Fordham Law School sponsored by the Sandra Day O'Connor Project on the State of the Judiciary (and at which Justices Breyer and O'Connor spoke as well), April 8, 2008.

Moot-argued *Crawford v. Marion County Board of Elections* (concerning the constitutionality of Voter-ID requirements), April 3, 2008, Harrisburg, Pa.

Spoke at a symposium on judicial accountability at Notre Dame Law School, March 12, 2008.

Moderated a panel for a symposium on "crim torts," February 25, 2008, Harrisburg Pa.

Spoke about judicial selection at a luncheon and on local radio, April 6, 2007, Las Vegas, Nev.

Moderated a panel discussion commemorating the 150th anniversary of *Dred Scott v. Sandford*, April 2, 2007, Harrisburg, Pa.

Debated *Parents Involved in Community Schools v. Seattle School District No. 1* (concerning the constitutionality of voluntary race-based school assignments), Feb. 8, 2007, Harrisburg, Pa.

Spoke about the community caretaking doctrine in search-and-seizure law at the Federalist Society Faculty Conference, January 2007, Washington, D.C.

Spoke about the Supreme-Court appointment process at the 2006 Western Political Science Association annual meeting, Albuquerque, N.M.

Spoke about judicial selection to the North Carolina Academy of Trial Lawyers, Spring 2005.

SERVICE

Faculty Advisor, *Widener Law Journal* (2007-08, 2009-13)

Faculty Advisor, Federalist Society student chapter (2006-08, 2009-Present)

Moot Court Coach, Federal Bar Association Thurgood Marshall Competition (2013)

Moot Court Coach, Spong Constitutional Law Competition (William & Mary) (2010-12)

Moot Court Coach, Charleston (S.C.) Constitutional Law Competition (2008, 2013, 2014)

Moot Court Coach, Gabrielli Family Law Competition, Albany, N.Y. (2006 & 2007)

Frequent print- and electronic-media commentator

Guest blogger on Concurring Opinions (www.concurringopinions.com)

Guest blogger on Prawfsblawg (prawfsblawg.blogs.com)

LEGAL EXPERIENCE

BAR MEMBERSHIPS: PENNSYLVANIA, NEW YORK, D.C. CIRCUIT, THIRD CIRCUIT, MIDDLE DISTRICT OF PENNSYLVANIA & U.S. SUPREME COURT

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA
Law Clerk for District Judge Paul L. Friedman

Feb.-June 2004

UNITED STATES COURT OF APPEALS FOR THE D.C. CIRCUIT Aug. 2003-Feb. 2004
Law Clerk for Senior Circuit Judge Laurence H. Silberman until his departure to chair the Commission on U.S. Intelligence Capabilities Regarding Weapons of Mass Destruction

NEW YORK STATE COURT OF APPEALS Aug. 2001-Aug. 2003
Law Clerk (Aug.-Dec. 2001) and Chief Law Clerk (Dec. 2001-Aug. 2003) for Associate Judge Albert M. Rosenblatt

JONES, DAY, REAVIS & POGUE, Washington, D.C. Summer 2001
Interim Associate. Worked primarily in the Issues and Appeals Group.

OTHER EMPLOYMENT

BASEBALL AND HOCKEY OFFICIAL 1991-Present
Baseball Umpire; Hockey Referee and Linesman. Member of the Executive Board of the Cumberland Valley Umpires Association and member of the Chesapeake Basin Collegiate Baseball Umpires Association. Officiated state, district, and national hockey championships.

WJL RADIO, AM 1440, Niagara Falls, N.Y. 1995-96
Old-Time Rock 'n' Roll Disc Jockey, News Reporter, Talk-Show Host, and Interim Sports Director.