

PHILIP A. PUCILLO

Michigan State University College of Law
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PROFESSIONAL EXPERIENCE

ACADEMIC APPOINTMENTS (FULL-TIME)

- 2010 - present **Michigan State University College of Law**, East Lansing, MI
Professor (since January 2020)
Professor of Law in Residence (2015-2019)
Lecturer in Law (2012-2015)
Visiting Professor of Law (2010-2012)
- Courses: Administrative Law
Civil Procedure
Constitutional Law I
Constitutional Litigation
Evidence
Federal Jurisdiction
Law and Forensic Science
Professional Responsibility
Property
 - Teaching Awards:
 - Donald F. Campbell Outstanding Teaching Award (2020)
 - SBA Award for Outstanding Doctrinal Professor (2016)
 - SBA Award for Distinguished Visiting Faculty Member (2012)
 - Faculty Commencement Speaker selection by graduating class:
 - Spring 2016
 - Spring 2014
 - Appellate Moot Court Competition Coaching:
 - ABA National Appellate Advocacy Competition (2015)
 - National Champions
 - Billings, Exum & Frye National Moot Court Competition (2019)
 - NBLSA Frederick Douglass Moot Court Competition (2016, 2017)
 - Dean Jerome Prince Memorial Evidence Competition (2014)
 - Faculty Committee Service:
 - Curriculum (2019-present)
 - Academic Standards (2017-2019)
 - Admissions (2015-2017)
 - Bar Passage Task Force (2013-2015)

- 2009 - 2010 **University of North Carolina School of Law**, Chapel Hill, NC
Visiting Associate Professor of Law
- Courses: Civil Procedure
Constitutional Law
- 2008 - 2009 **Tulane University Law School**, New Orleans, LA
Visiting Associate Professor of Law
- Courses: Administrative Law
Constitutional Law
Constitutional Litigation
Federal Courts
- 2000 - 2008 **Ave Maria School of Law**, Ann Arbor, MI
Final rank: *Associate Professor of Law (with tenure)*
- Courses: Administrative Law
Appellate Practice
Constitutional Litigation
Evidence
Federal Courts
Property
 - Appellate Moot Court Competition Coaching:
 - Tulane Mardi Gras Sports Law Invitational (2003)
 - Giles Sutherland Rich Memorial Moot Court Competition (2002)
 - Faculty Committee Service:
 - Co-Curriculars Committee (2001-2006)
 - Judicial Clerkship Committee (2001-2006)

ACADEMIC APPOINTMENTS (ADJUNCT)

- SUMMER 2012 **Vytautas Magnus University Faculty of Law**, Kaunas, Lithuania
- Course: Comparative Constitutional Law
- SUMMER 2010 **Wayne State University Law School**, Detroit, MI
- Course: Administrative Law

GOVERNMENT SERVICE

- Spring 2013 **State of Michigan Department of Attorney General**, Lansing, MI
Special Assistant Attorney General
- Prepared *amicus curiae* brief submitted by the Michigan Attorney General in support of the government's application for leave to appeal to the Michigan Supreme Court in *People v. David Lee Allan*, No. 146789)

PRIVATE PRACTICE

- 1999 - 2000 **Skadden, Arps, Slate, Meagher & Flom**, Washington, D.C.
- *Associate* (Litigation practice group)

JUDICIAL CLERKSHIPS

- 1998 - 1999 **The Honorable William B. Traxler, Jr.**
U.S. Court of Appeals for the Fourth Circuit, Greenville, SC
- 1997 - 1998 **The Honorable Ronald Lee Gilman**
U.S. Court of Appeals for the Sixth Circuit, Memphis, TN
- 1996 - 1997 **The Honorable Peter E. Doyne**
Superior Court of New Jersey, Hackensack, NJ

EDUCATION

Tulane University Law School, New Orleans, LA
Juris Doctor, *cum laude*, 1996

- Honors:
 - Order of the Coif
 - Monte M. Lehmann Award

Lafayette College, Easton, PA
Bachelor of Arts, *cum laude* (Economics), 1992

- Honors:
 - Omicron Delta Epsilon (international honorary society for economics)
 - Pi Sigma Alpha (national honorary society for political science)

PUBLICATIONS

ARTICLES (PUBLISHED)

- *Joint and Several Jurisdiction*, 65 DUKE L.J. 1323 (2016) (with Scott Dodson).
- *Timeliness, Equity, and Federal Appellate Jurisdiction: Reclaiming the “Unique Circumstances” Doctrine*, 82 TUL. L. REV. 693 (2007).
- *Jurisdictional Prescriptions, Nonjurisdictional Processing Rules, and Federal Appellate Practice: The Implications of Kontrick, Eberhart & Bowles*, 59 RUTGERS L. REV. 847 (2007).
- *Rescuing Rule 3(c) from the 800-Pound Gorilla: The Case for a No-Nonsense Approach to Defective Notices of Appeal*, 59 OKLA. L. REV. 271 (2006).
- *Toward a Subsidiarity-Based Judicial Federalism*, 2 J. CATH. SOC. THOUGHT 463 (2005) (symposium contribution).

ARTICLES (IN PROGRESS)

- *The Restructuring Principle of Supplemental Jurisdiction*
- *Fabricating “Final” Decisions: Voluntary Dismissal and the Circumvention of Barriers to Immediate Appellate Review*
- *State Courts, Federal Habeas Corpus Review, and the Duty to Explain: Extending the “Hard Look” Doctrine to Federal Constitutional Adjudication*
- *Acceptance, Indifference, and Municipal Policy in Section 1983 Litigation*
- *State-Court Contribution and Federal-Court Adjudication: The Case for Constitutional-Question Abstention*

PRESENTATIONS AND SYMPOSIA (SELECTED)

- *Kava-nay or Kava-yay: The Future of the Supreme Court*, The Federalist Society—Michigan State Student Chapter (invited panelist), East Lansing, MI (October 11, 2018).
- *New and Established Voices in Civil Procedure*, Southeastern Association of Law Schools—2018 Annual Conference, Fort Lauderdale, FL (discussant) (August 10, 2018).
- *The Inherent Characteristics of Jurisdiction*, Southeastern Association of Law Schools—2017 Annual Conference, Boca Raton, FL (organizer and discussant) (August 5, 2017).
- *The Future of Independent Agencies and Consumer Protection after PHH Corp. v. CFPB*, Southeastern Association of Law Schools—2017 Annual Conference, Boca Raton, FL (invited panelist) (August 2, 2017).
- *The Admissibility of “Prior Acts” Evidence in Criminal Prosecutions for Child Molestation*, Michigan Prosecuting Attorneys Coordinating Council—2016 Appellate Specialists Conference (invited speaker), Thompsonville, MI (October 18, 2016).
- *Due Process Requirements and Municipal Action in Michigan*, Michigan Association of Municipal Attorneys (MAMA)—2016 Advanced Institute (invited speaker), Lansing, MI (March 22, 2016).
- *A Preview of the October 2015 Term of the U.S. Supreme Court*, The Federalist Society—Grand Rapids Lawyers Chapter (invited panelist), Grand Rapids, MI (November 19, 2015).
- *Investigative Factfinding under the Preponderance-of-the-Evidence Standard*, Michigan Department of Health & Human Services—21st Annual Recipient Rights Conference (invited speaker), Grand Rapids, MI (October 9, 2014).
- *Procedural Hurdles and the Day in Court*, Southeastern Association of Law Schools—2014 Annual Conference, Amelia Island, FL (discussant) (August 3, 2014).
- *The Administrative State: Its Foundations and Modern Forms*, The Liberty Fund (invited symposium conferee), San Antonio, TX (February 28 – March 2, 2014).
- *The Constitution and the Court: Health Care Mandates and Other Controversies*, Ohio Northern University (invited panelist), Ada, OH (September 25, 2012).
- *The Dormant Commerce Clause and State-Mandated Renewable Portfolio Standards*, Rural Electric Statewide Managers Association (RESMA)—2011 Lobbyist Conference (invited speaker), Traverse City, MI (August 22, 2011).
- *Should the ABA Terminate its Jurisdiction Over Tenure and Faculty Governance Issues?*, Southeastern Association of Law Schools—2011 Annual Conference, Hilton Head, SC (panelist) (July 29, 2011).

- *The Future of Federal Courts*, Junior Federal Courts Faculty Workshop, American University Washington College of Law, Washington, D.C. (April 4, 2008) (panelist).
- *The Confrontation Clause and Criminal Prosecutions in Michigan*, Michigan Prosecuting Attorneys Coordinating Council—2007 Appellate Specialists Conference (invited speaker), New Buffalo, MI (October 23, 2007).
- *The Curious Evolution of Pullman Abstention*, The Federalist Society Faculty Division—Ninth Annual Faculty Conference, Washington, D.C. (January 5, 2007).
- “*Don’t Ask, Don’t Tell*” and the Solomon Amendment: Military Recruiting on Law School Campuses, University of Michigan School of Law (invited panelist), Ann Arbor, MI (April 4, 2005).
- *The Prospect of a Subsidiarity-Based Judicial Federalism*, Symposium on Principles and Practices of Subsidiarity: The Meanings of Subsidiarity for the Law, Villanova University School of Law (speaker), Villanova, PA (October 8, 2004).

STATE BAR MEMBERSHIPS

- Michigan (since 2004) (inactive)
- District of Columbia (2001-2012) (resigned)
- New Jersey (1996-2012) (resigned)

ADMITTED TO PRACTICE

- Supreme Court of the United States
- U.S. Court of Appeals for the Fourth Circuit
- U.S. Court of Appeals for the Sixth Circuit
- U.S. Court of Appeals for the Eighth Circuit
- U.S. District Court for the District of New Jersey

REFERENCES

Melanie B. Jacobs

Interim Dean and Professor of Law
Michigan State University College of Law
648 N. Shaw Lane • East Lansing, MI 48824
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Laura N. Gasaway

Paul B. Eaton Distinguished Professor of Law
Emerita (and former Associate Dean for
Academic Affairs)
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Stephen M. Griffin

W.R. Irby Chair and Rutledge C. Clement, Jr.
Professor in Constitutional Law (and former
Vice Dean for Academic Affairs)
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Richard S. Myers

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Edward H. Cooper

Thomas M. Cooley Professor of Law
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The Honorable William B. Traxler, Jr.

U.S. Court of Appeals for the Fourth Circuit
300 E. Washington St. • Greenville, SC 29601
(864) 241-2730

The Honorable Ronald Lee Gilman

U.S. Court of Appeals for the Sixth Circuit
167 N. Main St. • Memphis, TN 38103
(901) 495-1575

The Honorable Peter E. Doyne (Ret.)

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