

# MICHAEL RICHARD DIMINO, SR.

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Widener University School of Law  
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## ACADEMIC APPOINTMENTS

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

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

Courses: Constitutional Law, Criminal Procedure, Criminal Law, Election Law,  
First Amendment, Administrative Law, Legislation, Federal Courts,  
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

**FLORIDA STATE UNIVERSITY COLLEGE OF LAW**, Tallahassee, Fla. July 2008-Summer 2009  
*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

## BOOKS

VOTING RIGHTS AND ELECTION LAW (LexisNexis 2010) (with Bradley A. Smith and Michael E. Solimine) (with teacher's manual (2011) and annual supplement)

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**

*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) (solicited)

*Public Confidence and Judicial Campaigns*, 56 WAYNE L. REV. 705 (2011) (solicited)

*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) (solicited)

*The Futile Quest for a System of Judicial "Merit" Selection*, 67 ALB. L. REV. 803 (2004) (solicited)

*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

Spoke on two panels at the 2014 SEALS conference concerning 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 University 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 “crimtorts,” 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

Member of the inaugural Executive Committee of the AALS Section on Election Law, pending approval of the Section (2014-present)  
Member of the Executive Committee of the AALS Section on Legislation and the Law of the Political Process (2013-14), and moderator of the group’s Internet discussion page  
Member of the Executive Committee of the Federalist Society’s Free Speech and Election Law Practice Group  
Member of the James S. Bowman Inn of Court  
Faculty Advisor, *Widener Law Journal* (2007-08, 2009-13)  
Faculty Advisor, Widener-Harrisburg Chapter of the Federalist Society (2006-08, 2009-Present)  
Moot Court Coach, Federal Bar Association Thurgood Marshall Competition (2013)  
Moot Court Coach, Spong Constitutional Law Competition (William & Mary College of Law 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)  
Moderator, “fedcourts” faculty discussion group.  
Frequent print- and electronic-media commentator  
Guest blogger on Concurring Opinions ([www.concurringopinions.com](http://www.concurringopinions.com))  
Guest blogger on Prawfsblawg ([prawfsblawg.blogspot.com](http://prawfsblawg.blogspot.com))

### LEGAL EXPERIENCE

#### **BAR MEMBERSHIPS: PENNSYLVANIA, NEW YORK, D.C. CIRCUIT & U.S. SUPREME COURT**

**UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA** Feb.-June 2004  
*Law Clerk for District Judge Paul L. Friedman*

**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 and hockey referee and linesman.* Member of the Executive Board of the Cumberland Valley Umpires Association. Officiated state, district, and national hockey championships.

**WJL RADIO, AM 1440**, Niagara Falls, N.Y.

1995-96

*News anchor, talk-show host, sports director, and old-time rock 'n' roll disc jockey*