

## PAUL A. DILLER

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### ACADEMIC APPOINTMENTS

<b>Willamette University College of Law</b> (Salem, Ore.)	
Roscoe C. & Debra H. Nelson Distinguished Faculty Scholar (inaugural)	2023-present
Professor of Law	2014-present
Associate Professor of Law (with tenure)	2010-14
Assistant Professor of Law	2005-10
Director of Certificate in Law & Government	2014-23 (most years)
Summer Program in Shanghai, ECUPL	2013
Courses include Property, State & Local Government, and Public Health Law	
<b>Lewis &amp; Clark Law School</b> (Portland, Ore.)	Spring 2022
Visiting Professor	
Taught Property and seminar on COVID-19 Law	
<b>University of Michigan Law School</b>	Fall 2008
Visiting Assistant Professor	
Taught Civil Procedure and Local Government seminar	

### EDUCATION

<b>University of Michigan Law School</b>	Aug. 1998 – May 2001
J.D., magna cum laude, Order of the Coif	
Article Editor, <i>Michigan Law Review</i> , volume 99	
Henry M. Campbell Moot Court Competition, First Place	
Clarence Darrow Scholar (full tuition and stipend)	
<b>University of Pennsylvania</b>	Sept. 1992 – May 1996
B.S., B.A.S., magna cum laude, in Economics and Applied Science	
Collegiate Sprint Football: Three Varsity Letters; Best Offensive Lineman Award	
Sigma Phi Epsilon Fraternity	
Mayor's Intern, Philadelphia Empowerment Zone	

### PRE-ACADEMIC LEGAL EMPLOYMENT

<b>United States Department of Justice, Civil Division</b>	Sept. 2002 – June 2005 (and Summer 2000)
Trial Attorney, Honors Program, Federal Programs Branch	
Washington, D.C.	
<b>Chief Judge Edward R. Becker, U.S. Court of Appeals (Third Circuit)</b>	Aug. 2001 – Aug. 2002
Law Clerk	
Philadelphia, Pa.	
<b>Paul, Weiss, Rifkind, Wharton &amp; Garrison</b>	Summer 2000
Summer Associate	
New York, N.Y.	
<b>New Jersey Civil Liberties Union</b>	Summer 1999
Summer Intern	
Newark, N.J.	

**LEGAL & INTERDISCIPLINARY SCHOLARSHIP**

- Governors Slightly Less Bound? A Critique of the Uniform Law Commission’s Model Public-Health Emergency Authority Act, 112 *Kentucky Law Journal* \_\_ (forthcoming 2024) (symposium)
- THE LAW OF COVID-19 (2024), Aspen Publishing
- Idaho Rejects a Private Vaccine Passport Ban Amid National Debate, 59 *Idaho Law Review* 569-80 (2023) (symposium)
- Training a Public Accommodations Lens on Vaccine Passports, 27 *Lewis & Clark Law Review* 523-83 (2023)
- Emergency Rule: A New Paradigm for State and Local Governance?, 50 *Fordham Urban Law Journal* 723-38 (2023) (Cooper-Walsh colloquium)
- Is Enhanced Judicial Review the Correct Antidote to Excessive State Preemption?, 100 *North Carolina Law Review* 1469-1504 (2022) (symposium)
- Toward Fairer Representation in State Legislatures, 33 *Stanford Law & Policy Review* 135-85 (2022)
- Municipal Vaccine Passport Regimes in the United States: A European Import Spreads Widely, 45 *Fordham International Law Journal* 639-56 (2022) (symposium)
- Review of Public Health Research (with Lori Fresina), 1 *Local Power & Politics Review* 6-14 (2020)
- The Political Process of Preemption, 54 *University of Richmond Law Review* 343-404 (2020)
- Cities as Innovators, in *THE NEW PREEMPTION READER* (Richard Briffault et al., eds. 2019)
- The Challenge of Housing Affordability in Oregon: Facts, Tools and Outcomes (with Edward J. Sullivan), 27 *Journal of Affordable Housing & Community Development Law* 183-231 (2018)
- Re-Orienting Home Rule: Part 2 – Remediating the Urban Disadvantage Through Federalism and Localism, 77 *Louisiana Law Review* 1045-1114 (2017)
- Re-Orienting Home Rule: Part 1 – The Urban Disadvantage in National and State Lawmaking, 77 *Louisiana Law Review* 287-358 (2016)
- The Illusion of Autonomy in “Food” Litigation, 41 *American Journal of Law & Medicine* 274-83 (2015) (symposium)
- Why Do Cities Innovate in Public Health? Implications of Scale and Structure, 91 *Washington University Law Review* 1219-91 (2014)
- Local Health Agencies, the Bloomberg Soda Rule, and the Ghost of Woodrow Wilson, 41 *Fordham Urban Law Journal* 1859-1901 (2013) (symposium)
- The Brief History of “Voter-Owned Elections” in Portland, Oregon: If Public Financing Can’t Make It There, Can It Make It Anywhere?, 49 *Willamette Law Review* 637-54 (2013) (symposium)
- Obesity Prevention Policies at the Local Level: Tobacco’s Lessons, 65 *Maine Law Review* 459-65 (2013) (symposium)

- What is Localist Judging and Why Does It Matter?, 161 *University of Pennsylvania Law Review Online* 331-37 (2013) (solicited response to Ethan Leib’s “Localist Statutory Interpretation”)
- Combating Obesity with a Right to Nutrition, 101 *Georgetown Law Journal* 969-1021 (2013)
- The City and the Private Right of Action, 64 *Stanford Law Review* 1109-72 (2012)
- Regulating Food Retail for Obesity Prevention: How Far Can Cities Go? (with Samantha Graff), 39 *Journal of Law, Medicine & Ethics (Supp.)* 89-93 (2011) (symposium)
- Habeas and (Non-)Delegation, 77 *University of Chicago Law Review* 585-655 (2010)
- The Partly Fulfilled Promise of Home Rule in Oregon, 87 *Oregon Law Review* 939-78 (2009) (symposium)
- Do Markets Work Better than Legal Restraints? A Response to Clayton Gillette’s “Fiscal Home Rule,” 86 *Denver University Law Review* 1263-69 (2009) (symposium)
- When Congress Passes an Intentionally Unconstitutional Law: The Military Commissions Act of 2006, 61 *Southern Methodist University Law Review* 281-335 (2008)
- Intrastate Preemption, 87 *Boston University Law Review* 1113-76 (2007)
- Note, Integration Without Classification: Moving Toward Race-Neutrality in the Pursuit of Public Elementary and Secondary School Diversity, 99 *Michigan Law Review* 1999-2061 (2001) [winner of the Burton Award for Legal Writing]

## SELECTED NEWSPAPER OPINION PIECES AND OTHER SHORT WORKS

- How COVID-19 Vaccine Mandates May Skew Campus Viewpoints, *Academe* (blog), Sept. 9, 2022
- A City-Suburban Coalition Can’t Win While the System Favors Rural Voters, *CityLab*, Nov. 30, 2018 (with Nestor Davidson)
- Should a popular-vote loser shape the court?, *The Register-Guard* (Eugene), Dec. 15, 2016
- Dicta: Obesity and the Law, *Willamette Lawyer*, Spring 2013
- Portland Paid Sick Leave Ordinance Could Spur State Action, *The Oregonian* (Portland) (*The Stump*), Jan. 29, 2013
- Voters’ Choices Affect Supreme Court Cases, *Statesman Journal* (Salem, Ore.), Feb. 3, 2010
- Many People Don’t Grasp Meaning of Court Ruling, *Statesman Journal*, July 2, 2008

## PROFESSIONAL SERVICE, CONSULTING, AWARDS, AND OTHER TEACHING

### Willamette University

Extensive committee service for the College of Law and University, including:  
 Re-accreditation self-study (chair), Faculty Appointments, Faculty Personnel (chair),  
 Learning Outcomes (chair), Faculty Colloquia (chair)

Summer program in Shanghai, East China University of Politics and Law Summer 2013  
 Robert L. Misner Award for Excellence in Faculty Scholarship 2013, 2010

### Selected External Reviews

Several external reviews of scholarship files for tenure and promotion  
 Manuscript review for HEALTH AFFAIRS Spring 2022

Manuscript review for AM. J. PUBLIC HEALTH	Summer 2014
Manuscript review for Ashgate Publishing	Fall 2013
Manuscript review for SOCIAL PROBLEMS	Summer 2012
Oxford University Press text on property	Summer 2009

### **External Projects & Consulting**

Home Rule for the 21 <sup>st</sup> Century, Project Team Member In Partnership with the National League of Cities	2018-20
Local Solutions Support Center In Partnership with the Fordham Urban Law Center	2016–2021
Issue Brief for American Constitution Society “The Troubling Turn in State Preemption” (co-author)	Sept. 2017
Local Governments and Aging Populations, in conjunction with the Instituto de Derecho Local, Universidad Autónoma de Madrid (Spain), and the University of Illinois, sponsored by Banco Santander	2015–16
Oregon League of Cities: advisor on property tax reform	Spring 2013
Oregon Law Commission: advisor to work group on Uniform Covenants Act	2010–11
Public Health Law and Policy, ChangeLab Solutions (formerly NPLAN), Oakland, Cal.	2008–12

### **Litigation – Selected Amicus Brief Participation**

Gill v. Whitford, No. 16-1161 (U.S. 2018), counsel of record in amicus brief on behalf of Int’l Municipal Lawyers Ass’n, Nat’l League of Cities, and others, in support of appellees challenging gerrymandering of state legislative districts  
Brief reprinted, with Introduction, at 55 *Willamette Law Review* 61 (2018)

City of Cleveland v. State, 90 N.E. 3d 979 (Ohio Ct. App. 2017), in support of the city’s “Fannie Lewis” ordinance requiring that contractors hire a percentage of city residents

N.Y. Statewide Coal. of Hispanic Chambers of Commerce v. N.Y.C. Dep’t of Health & Mental Hygiene, 16 N.E.3d 538 (N.Y. 2014), in support of the city’s sugar-sweetened beverage portion-cap rule

### **SELECTED PRESENTATIONS AND CONFERENCES**

Panelist, “The Breadth and Specter of State Authority,” Yale Law Journal Symposium on State and Local Governance, Yale Law School, New Haven, Conn., Apr. 26, 2024

Moderator, “The Proposed Judicial Overhaul and Israeli Democracy,” AALS Annual Meeting, Jewish Law Section, Jan. 3, 2024

“Governors Slightly Less Bound? A Critique of the Uniform Law Commission’s MPHEAA,” Kentucky Law Journal symposium on state constitutional law, October 13, 2022

“The Pandemic Emergency Paradigm,” Law & Society Association Annual Meeting, San Juan, Puerto Rico, June 2, 2023

- “Vaccine Passports in Idaho,” Idaho Law Review health law symposium, Boise, Idaho, April 7, 2023
- “Training a Public Accommodations Lens on Vaccine Passports,” Lewis & Clark Law School, Portland, Ore., Jan. 31, 2023
- “Vaccine Mandates: Continued Controversy and Litigation in a Multitude of Settings” AALS Annual Meeting, hot topic panel, San Diego, Cal., Jan. 6, 2023
- “Local Emergency Rule: The Next ‘New Thing’,” Fordham Urban Law Journal, Cooper-Walsh Colloquium, New York, N.Y., Oct. 14, 2022
- “Training a Public Accommodations Lens on Vaccine Passports,” Fordham Urban Law Center, International and Comparative Urban Law Conference, University of British Columbia, Vancouver, B.C., July 16, 2022
- “Municipal Vaccine Passports: Method and Mode of Adoption,” Fordham International Law Journal, New York, N.Y. (virtual), Feb. 18, 2022
- “Is Judicial Review the Correct Antidote to Excessive State Preemption?” Symposium on NLC’s Principles of Home Rule for the 21st Century, North Carolina Law Review, University of North Carolina School of Law, Chapel Hill, N.C., Oct. 8, 2021
- “Key Findings and a Look into 2021,” Local Power and Politics Review Research Webinar, Jan. 14, 2021
- “States of Emergency: Executive Orders and Separation of Powers During the Covid-19 Pandemic,” AALS Annual Meeting, hot topic panel, virtual, Jan. 6, 2021
- “Making State Democracy More Representative,” University of Oregon Law School, virtual, Nov. 5, 2020
- Organizer and presenter, 9th State & Local Government Works-in-Progress Conference, virtual, Sept. 24-25, 2020
- “Making State Democracy More Representative,” Law & Society Association, virtual conference, May 30, 2020
- “Should Emergency Orders Have an Expiration Date?” Willamette University Law alumni presentation, virtual, May 21, 2020
- “Lobbying Strength of Local Governments...and Home Rule,” West Virginia Law Review Symposium on Home Rule (opening address), West Virginia University College of Law, Morgantown, W.Va., Feb. 27, 2020
- “2020 Census and Redistricting,” Lane County Commissioners, Eugene, Ore., Feb. 12, 2020
- “County Home Rule,” Dayton City Hall, Dayton, Ore., Feb. 10, 2020
- “Spotlight on Gerrymandering: Redistricting in 2020 and Beyond,” Eugene City Club, Eugene, Ore., Sept. 6, 2019
- “A Research and Advocacy Agenda for Preemption: The Role of Academics and Practitioners,” Public Health Law Professors’ Conference, American Society of Law, Medicine, and Ethics, Loyola University School of Law, Chicago, Ill., June 7, 2019
- “The Political Process of Preemption,” Local Government Law Works-in-Progress Conference, Fordham University School of Law, New York, N.Y., Sept. 25, 2018 (remotely)

- “One-Person, One-Vote, Districting, and Gerrymandering,” Springfield City Club, Springfield, Ore., July 19, 2018
- “Federal-State-City Tensions in the Trump Era,” Oregon City Attorney’s Association Spring Conference, Newport, Ore., May 19, 2018
- “One-Person, One-Vote and Gerrymandering,” Willamette University Center for Governance & Public Policy Research Conference, Legislative Redistricting: Past, Present, Future, Salem, Ore., Apr. 19, 2018
- “Gerrymandering in the Age of Trump,” Willamette Law Review Symposium, Salem, Ore., Feb. 2, 2018
- “Intergovernmental Relations During the Trump Administration,” AALS Annual Meeting, State & Local Government Law Section, San Diego, Cal., Jan. 6, 2018
- “The Challenge of Housing Affordability in Oregon,” Local Government Law Works-in-Progress Conference, Golden Gate U. Law School, San Francisco, Cal., Oct. 20, 2017
- “County Treasurers & the U.S. Constitution,” Oregon Association of County Treasurers & Finance Officers Annual Meeting, Klamath Falls, Ore., Sept. 11, 2017
- “Home Rule Survey and Punitive Preemption,” National League of Cities Conference on Preemption, Fordham University School of Law, New York, N.Y., June 12, 2017
- “Promoting Public Health at the Local Level,” Conference on Local Governments and Aging Populations, Madrid, Spain, Nov. 29, 2016
- “The Promise and Peril of Constitutional Home Rule,” Local Government Law Works-in-Progress Conference, Houston Law School, October 7, 2016
- “The Promise and Peril of Constitutional Home Rule,” Fordham Urban Law Journal Symposium, Home Rule in an Era of Innovation, New York, N.Y., Apr. 7, 2016
- “Paid (‘Earned’) Sick Leave at the Local Level,” AALS Annual Meeting, Labor Relations & Employment Law Section, New York, N.Y., Jan. 8, 2016
- “Local Government as Antidote to National Democracy Deficit,” Law & Society Association Annual Meeting, Seattle, Wash., May 31, 2015
- “The Promises and Pitfalls of Home Rule and Ecosystems,” Public Interest Environmental Law Conference, University of Oregon School of Law, Eugene, Ore., Mar. 7, 2015
- “A Right to Food and Nutrition in the United States” Journal of International Law & Foreign Affairs, Symposium on Realizing the Right to Food, UCLA School of Law, Los Angeles, Mar. 6, 2015
- “The Illusion of Autonomy in ‘Food’ Litigation,” American Journal of Law & Medicine Symposium, Boston University School of Law, Boston, Mass., Jan. 30, 2015
- “Earned Sick Leave, Preemption and the Powers of Local Government,” Wayne Morse Center for Law and Politics, University of Oregon School of Law, Eugene, Oct. 23, 2014
- “Portland, Oregon, and the Limits of Regionalism,” Association for Law, Property, and Society, Vancouver, B.C., May 3, 2014
- Faculty Advisor for *Willamette Law Review* Spring Symposium, “Under Pressure: Regional and Fiscal Difficulties Facing Local Governments,” Salem, Ore., Feb. 28, 2014
- “Why Do Cities Innovate in Public Health? Implications of Scale and Structure,” University of California-Irvine School of Law, Dec. 5, 2013

- “Developments in State Constitutional Law,” Oregon State Bar, Constitutional Law Section, Continuing Legal Education Seminar, Portland, Ore., Nov. 22, 2013
- “Defending Constitutional Home Rule on the Basis of One-Person, One-Vote,” Local Government Law Works-in-Progress Conference, Chapman University, Fowler Law School, Orange, Cal., Oct. 25, 2013
- “Why Do Cities Innovate in Public Health?,” Midwest Political Science Association Annual Conference, Chicago, Ill., Apr. 11, 2013
- “Local Administrative Agencies,” Fordham Urban Law Journal 40th Anniversary Symposium, New York, N.Y., Feb. 28, 2013
- “Obesity Prevention Policies at the Local Level: Tobacco’s Lessons,” Maine Law Review Food Law Colloquium, Portland, Me., Feb. 23, 2013
- “Voter-Owned Elections in Portland, Ore.,” Willamette University College of Law, Campaign Finance and the 2012 Elections Symposium, Feb. 8, 2013
- “Why Do (Some) Big Cities Innovate in Public Health? A Structural Explanation,” Faculty Workshop, Lewis & Clark Law School, Portland, Nov. 27, 2012
- “What, if Anything (Significant), Is Different About Local Lawmaking?” Local Government Law Works-in-Progress Conference, Marquette University Law School, Milwaukee, Wis., Sept. 21, 2012
- “Combating Obesity with a Right to Nutrition,” Law & Society Association Annual Meeting, Honolulu, Hawaii, June 8, 2012
- “The City and the Private Right of Action,” University of Illinois College of Law, Champaign, Ill., Nov. 29, 2011
- “The City and the Private Right of Action,” College of William & Mary School of Law, Williamsburg, Va., Sept. 6, 2011
- “Childhood Obesity Prevention Policy: How Far Can Localities Go?,” American Society of Law, Medicine & Ethics; Conference on Using Law, Policy, and Research to Improve the Public Health, Atlanta, Ga., Sept. 13, 2010
- “Proposed Marion County Home Rule Charter,” League of Women Voters of Marion and Polk Counties, Salem, Feb. 18, 2010
- “Government Regulatory Power v. Private Property Rights,” with Prof. Stephen J. Eagle, Lewis & Clark Law School Federalist Society, Portland, Jan. 28, 2010
- “Home Rule in Oregon,” Symposium on 150 Years of Oregon Constitutional Law, co-sponsored by the Oregon Law Review and the Oregon State Bar, Constitutional Law Section; University of Oregon School of Law, Eugene, Feb. 13, 2009
- “Habeas and (Non-)Delegation,” Faculty Forum, Southern Methodist University Dedman School of Law, Dallas, Tex., Feb. 4, 2009
- “Habeas and (Non-)Delegation,” Faculty Lunch Presentation, University of Michigan Law School, Ann Arbor, Mich., Nov. 10, 2008
- “When Congress Passes an Intentionally Unconstitutional Law: The Military Commissions Act of 2006,” Junior National Security Law Scholars’ Conference, Wake Forest School of Law, Winston-Salem, N.C., May 24, 2008

“Intrastate Preemption,” Property, Citizenship, and Social Entrepreneurship Conference,  
Chapman University School of Law, Orange, Cal., Feb. 16, 2008

## **BAR MEMBERSHIPS**

State: New Jersey, New York; Federal: Supreme Court, Ninth Circuit, District of New Jersey

## **PERSONAL AND COMMUNITY**

Member, Wilsonville Parks and Recreation Advisory Board, 2024-present  
Member, Wilsonville Equitable Housing Task Force, 2019-20  
Member, Wilsonville Town Center Task Force, 2017-18  
Member, South Metro Area Regional Transit (Wilsonville) Master Plan Task Force, 2015-17  
Coach and volunteer, Wilsonville Little League, 2015-present  
Coach, Willamette United Football (Soccer) Club, 2015-23  
Coach, Wilsonville Basketball Association, 2022-23  
Portland Adult Baseball Conference, 2011-19; 2021  
Beit Haverim, Lake Oswego, Ore., Board of Directors, 2014-17, 2023-present

## **ON THE WEB**

<http://www.willamette.edu/wucl/faculty/profiles/diller/>  
<http://scholar.google.com/citations?user=UR0zvvcAAAAJ&hl=en>  
<http://ssrn.com/author=540177>  
[http://works.bepress.com/paul\\_diller/](http://works.bepress.com/paul_diller/)  
<https://dilleradollar.wordpress.com/author/dilleradollar/> (personal blog)  
Contributor, the State and Local Government Blog, [sloglaw.org](http://sloglaw.org)

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