

DONALD L. DOERNBERG

University of the Pacific, McGeorge School of Law
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Teaching Positions

McGeorge School of Law (January, 2017 to present)

Adjunct Professor of Law. Course: Civil Procedure.

Pace University School of Law (1979-2016)

James D. Hopkins Professor of Law, 2001-03. Charles A. Frueauff Research Professor of Law, 1992-93, 1996-97. Gerard Goettel Prize for Faculty Scholarship, 2004-05 (for SOVEREIGN IMMUNITY OR THE RULE OF LAW: THE NEW FEDERALISM'S CHOICE (Carolina Academic Press 2005)). The Barbara Salken Outstanding Professor of the Year Award, 2010. Courses: Civil Procedure, Conflict of Laws, Constitutional Law, Criminal Law, Criminal Procedure: Investigation, Federal Courts, Torts

Santa Clara Law School (1985-86)

Visiting Professor of Law. Courses: Civil Procedure 1 and 2, Constitutional Law 2, Federal Courts

Hastings College of the Law (1984-85)

Visiting Professor of Law. Courses: Civil Procedure 1 and 2, Criminal Law, Seminar on the Law of Church and State

New York Law School (2007)

Adjunct Professor of Law, Spring Term. Course: Federal Courts. Adjunct Professor, Fall Term. Course: Civil Procedure

Publications

Due Process v. Data Processing: An Analysis of the Problems of Computerized Criminal History Information Systems, 56 N.Y.U. L. REV. 1110 (1980) (with Professor Donald H. Zeigler)

Pass in Review: Due Process and Judicial Scrutiny of Selective Service Classification Decisions, 33 HASTINGS L. J. 871 (1982)

"The Right of the People": Reconciling Collective and Individual Interests Under the Fourth Amendment, 58 N.Y.U. L. REV. 259 (1983)

"We the People": John Locke, Collective Constitutional Rights, and Standing to Challenge Government Action, 73 CALIF. L. REV. 52 (1985)

There's No Reason for It; It's Just Our Policy: Why the Well-Pleaded Complaint Rule Sabotages the Purposes of Federal Question Jurisdiction, 38 HASTINGS L. J. 597 (1987)

The Trojan Horse: How the Declaratory Judgment Act Created a Cause of Action and Expanded Federal Jurisdiction While the Supreme Court Wasn't Looking, 36 U.C.L.A. L. REV. 529 (1989) (with Professor Michael B. Mushlin)

History Comes Calling: Dean Griswold Offers New Evidence About the Jurisdictional Debate Surrounding the Enactment of the Declaratory Judgment Act, 37 U.C.L.A. L. REV. 139 (1989) (with Professor Mushlin)

"You Can Lead a Horse to Water . . .": The Supreme Court's Refusal to Allow the Exercise of

Original Jurisdiction Conferred by Congress, 40 CASE W. RES. L. REV. 999 (1990) (I was a panel speaker at the 1990 AALS Annual Meeting; the proceedings of the Federal Courts Section were published as a symposium issue.)

Juridical Chameleons in the “New Erie” Canal, 1990 UTAH L. REV. 759

FEDERAL COURTS, FEDERALISM AND SEPARATION OF POWERS (West Group 1st ed. 1994, 2d ed. 2000) (with Professor C. Keith Wingate) (with annual supplements) (3d ed. 2004, 4th ed. 2008, with Professors C. Keith Wingate and Donald H. Zeigler) (with annual supplements)

FEDERAL COURTS—A CONTEMPORARY APPROACH (5th ed. 2013) (Interactive Casebook Series) (with Professor Evan Tsen Lee) (will have annual supplements)

TEACHER’S MANUAL TO ACCOMPANY FEDERAL COURTS, FEDERALISM AND SEPARATION OF POWERS (West Group. 1st ed. 1994, 2d ed. 2000) (with Professor Wingate) (with annual supplements or updates) (3d ed. 2004, 4th ed. 2008 with Professors Wingate and Zeigler) (5th ed. 2013) (with Professor Lee)

What’s Wrong with This Picture?: Rule Interpleader, the Anti-Injunction Act, In Personam Jurisdiction, and M.C. Escher, 67 U. COLO. L. REV. 551 (1996)

CIVIL PROCEDURE ANTHOLOGY (with Professors David I. Levine and Melissa Nelken) (Anderson Publishing 1998)

IDENTITY CRISIS: FEDERAL COURTS IN A PSYCHOLOGICAL WILDERNESS (Carolina Academic Press 2001)

A Life of Quiet Service, 4 JURIST: BOOKS ON LAW NO. 5 (May 2001), available at <http://www.jurist.law.pitt.edu/lawbooks/reviews.htm#Doernberg> (also on file with the author) (reviewing WILLIS P. WHICHARD, JUSTICE JAMES IREDELL (2000))

SOVEREIGN IMMUNITY OR THE RULE OF LAW: THE NEW FEDERALISM’S CHOICE (Carolina Academic Press 2005)

“Can You Hear Me Now?”: Expectations of Privacy, False Friends, and the Perils of Speaking Under the Supreme Court’s Fourth Amendment Jurisprudence, 39 INDIANA L. REV. 253 (2006)

The Unseen Track of Erie Railroad: Why History and Jurisprudence Suggest a More Straightforward Form of Erie Analysis, 109 W. VA. L. REV. 611 (2007)

Sovereignty in the Age of Twitter, 55 VILL. L. REV. 833 (2010) (paper from participation in the Norman J. Sachoy Symposium in September 2009 at Villanova Law School)

“The Tempest”: Shady Grove Orthopedic Associates, P.L. v. Allstate Insurance Co.: *The Rules Enabling Act Decision that Added to the Confusion—But Should Not Have*, 44 AKRON L. REV. 1147 (2011)

Taking Supremacy Seriously: The Contrariety of Official Immunities, 80 FORDHAM L. REV. 443 (2011)

Horton the Elephant Interprets the Federal Rules of Civil Procedure: How the Federal Courts Sometimes Do and Always Should Understand Them, 42 HOFSTRA L. REV. 799 (2014).

Resolving International Shoe, 2 TEXAS A&M L. REV. 247 (2014)

FEDERAL COURTS IN A NUTSHELL (5th ed. 2016) (with the late Professor Currie)

FEDERAL COURTS (West Black Letter Outlines) (4th ed. 2017) (with Professors Richard Freer and Martin Redish))

Education

Yale University, B.A. 1966

Columbia University School of Law, J.D. 1969

Bar Admissions

New York (1969)

California (1985)

United States Supreme Court

United States Courts of Appeals for the Second, Third, Fifth, Eighth, Ninth, Tenth and District of Columbia Circuits

United States District Courts for the Northern District of California and for the Eastern, Northern, Southern and Western Districts of New York

Public Law Practice

The Legal Aid Society (New York City)

Staff attorney, Special Litigation Unit, 1975-78. Director of Special Litigation, 1978. This unit, a part of the Criminal Defense Division, engages in extensive test case litigation, in the federal courts when possible, to remedy system-wide abuses in the criminal justice system of New York. In the three and one-half years I spent at Legal Aid, I supervised and participated in litigation raising issues including conditions in court detention pens, the constitutionality of New York's prostitution-loitering law, and the accuracy, completeness and proper limitations of computerized criminal history information disseminated by the state.

Private Law Practice

Hofheimer, Gartlir, Gottlieb & Gross

Associate, 1974-75. This is a small firm with a primarily commercial practice. My work consisted principally of litigation in commercial areas.

Levy, Gutman, Goldberg & Kaplan

Associate, 1970-74. This was a small firm with a diversified practice, emphasizing civil liberties, military and selective service law. I had extensive experience in these areas and in litigation connected with them, particularly in the federal courts. I had sole responsibility for preparation, trial and appeal of many selective service and military cases.

Professional Associations

American Bar Association

American Law Institute

Members' Consultative Group, Federal Judicial Code Project

California Bar Association

AALS Section on Federal Courts, Chair-Elect (Program Director) for the 1992 Annual Meeting; Chair for 1993 Annual Meeting; Secretary 1997-present

AALS Section on Federal Courts, Chairman of the Planning Committee for two-day Federal Courts Workshop in May, 2002

AALS Section on Criminal Justice, Member of the Planning Committee for a two-day Criminal Justice workshop in June, 2006

American Civil Liberties Union, Westchester County (NY) Chapter: Chairman, 1978-80; Legal Committee, 1978-1996, 1998-99; Legal Director, 1996-98

American Bar Association, Site Evaluator for the Section on Legal Education's Accreditation Committee

Association of American Law Schools, Site Evaluator

Congressional Testimony

In February, 1983, I appeared as an expert witness on behalf of the American Civil Liberties Union before the House Judiciary Committee's Subcommittee on Civil and Constitutional Rights to testify about a Secret Service proposal for a new use of the FBI's National Crime Information Center computer.

In May, 1983, I appeared in a similar capacity before the Senate Judiciary Committee's Subcommittee on Patents, Copyrights and Trademarks to testify concerning that Committee's general re-examination of federal involvement with computerized criminal history information systems.

Community Service

Member, Katonah-Lewisboro School District Committee on Special Education, 1998-2013