

**Bryan Lammon**  
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### **Current Employment**

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University of Toledo College of Law, Toledo, OH	
Professor	2019–present
Associate Professor with Tenure	2018–2019
Associate Professor	2016–2018
Assistant Professor	2013–2016

### ***Courses***

Appellate Procedure Seminar, Civil Procedure, Conflict of Laws, Evidence.

### ***Awards***

- Outstanding Faculty Research & Scholarship Award (2022).
- College of Law Faculty Scholarship Award (2022).
- President’s Award for Excellence in Creative & Scholarly Activity (2021).
- University of Toledo Outstanding Teacher Award (2019).
- Toledo Law Outstanding Professor Award (2015 & 2019).
- Beth Eisler Outstanding First-Year Professor Award (2019).
- Lee Ann Pizzimenti Educational Excellence and Distinguished Service Award (2015–16).
- Awarded funding under the University of Toledo Research Awards and Fellowship Program for “Class Action Appeals” (2018).

### **Academic Publications**

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Blog: *Final Decisions*, [finaldecisions.org](http://finaldecisions.org)

A blog on appellate jurisdiction and procedure.

*Final Decisions & Final Judgments*,

24 *Journal of Appellate Practice & Process* (forthcoming 2024).

*Reforming Qualified-Immunity Appeals*,

87 *Missouri Law Review* 1137 (2023).

*Disarming the Finality Trap*,

97 *New York University Law Review Online* 173 (2022).

## Academic Publications (continued)

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*An Empirical Study of Class-Action Appeals,*

22 *Journal of Appellate Practice & Process* 283 (2022).

Featured in Christine Bartholomew, *The Reality of Class-Action Appeals*, JOTWELL (Jan. 27, 2021), <https://courtslaw.jotwell.com/the-reality-of-class-action-appeals/>.

*Municipal Piggybacking in Qualified-Immunity Appeals,*

126 *Penn State Law Review* 123 (2021).

Cited in *Williams v. City of Yazoo*, 40 F.4th 266 (5th Cir. 2022), and *Harris v. Clay County*, 47 F.4th 271 (5th Cir. 2022).

*Assumed Facts and Blatant Contradictions in Qualified-Immunity Appeals,*

55 *Georgia Law Review* 959 (2021).

*Sanctioning Qualified-Immunity Appeals,*

2021 *Illinois Law Review Online* 130.

*Making Wilkie Worse: Qualified-Immunity Appeals and the Bivens Question After Ziglar and Hernandez,*

7/24/2020 *University of Chicago Law Review Online* 1.

*Three Ideas for Discretionary Appeals,*

53 *Akron Law Review* 639 (2019).

Invited submission for the Federal Appellate Symposium.

*Finality, Appealability, and the Scope of Interlocutory Review,*

93 *Washington Law Review* 1809 (2018).

Cited in *Wilcox v. Georgetown University*, 987 F.3d 143 (D.C. Cir. 2021), and *Weber v. McGrogan*, 939 F.3d 232 (3d Cir. 2019).

*Appellate Jurisdiction in Sanchez-Gomez: A Hard Case that Should Be Easy,*

93 *Washington University Law Review Online* 1 (2018).

*Hall v. Hall: A Lose-Lose Case for Appellate Jurisdiction,*

68 *Emory Law Journal Online* 1001 (2018).

*Cumulative Finality,*

52 *Georgia Law Review* 767 (2018).

*Dizzying Gillespie: The Exaggerated Death of the Balancing Approach and the Inescapable Allure of Flexibility in Appellate Jurisdiction,*

51 *University of Richmond Law Review* 371 (2017).

*Perlman Appeals After Mohawk,*

84 *University of Cincinnati Law Review* 1 (2016).

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### Academic Publications (continued)

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*Rules, Standards, and Experimentation in Appellate Jurisdiction*,  
74 Ohio State Law Journal 423 (2013).

Awarded the American Academy of Appellate Lawyers' 2013–14 Eisenberg Prize for the best article on appellate practice and procedure.

*What We Talk About When We Talk About Ideology: Judicial Politics Scholarship and Naive Legal Realism*,  
83 St. John's Law Review 231 (2009).

Note, *The Practical Mandates of the Fourth Amendment: A Behavioral Argument for the Exclusionary Rule and Warrant Preference*,  
85 Washington University Law Review 1101 (2007).

Awarded the Mary Collier Hitchcock Prize for outstanding writing on the Washington University Law Review.

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### WORKS IN PROGRESS

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*Voluntary Dismissals, Jurisdiction & Waiving Appellate Review.*

*Manufactured Finality.*

*Judging Appellate Jurisdiction.*

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### Professional Activity

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Mentor, *The Appellate Project* (<https://theappellateproject.org>), the mission of which “is to empower law students of color to thrive in the appellate field.”

Co-author (with Sean Marotta), Brief of Sean Marotta and Bryan Lammon as Amici Curiae in Support of Rehearing, *Dawson v. Archambeau*, No. 21-1307, 2022 WL 4242831 (10th Cir. Sep. 15, 2022), and 2022 WL 16748511 (10th Cir. Nov. 7, 2022).

Author, Brief of Professor Bryan Lammon as Amicus Curiae Supporting Petitioner, *Kong v. City of Burnsville*, No. 20-875 (U.S. 2021), *available at* 2021 WL 305997.

Author, Brief of Professor Bryan Lammon as Amicus Curiae in Support of Rehearing on Appellate Jurisdiction, *Donahue v. Federal National Mortgage Association*, 971 F.3d 1 (1st Cir. 2020), *available at* 2020 WL 5352512.

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### Professional Activity (continued)

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Author, Proposed amendment to Federal Rule of Appellate Procedure 4(a)(2), *available at* [https://www.uscourts.gov/sites/default/files/20-ap-a\\_suggestion\\_from\\_lammon\\_0.pdf](https://www.uscourts.gov/sites/default/files/20-ap-a_suggestion_from_lammon_0.pdf).

Author, Comments in support of amendments to Federal Rule of Appellate Procedure 3(c), *available at* [https://www.uscourts.gov/sites/default/files/appellate\\_rules\\_committee\\_agenda\\_book\\_-\\_april\\_2020\\_final.pdf](https://www.uscourts.gov/sites/default/files/appellate_rules_committee_agenda_book_-_april_2020_final.pdf).

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### Education

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Washington University School of Law, St. Louis, MO

J.D., *summa cum laude*, 2008

- Alumni Association Award for highest GPA in the graduating class
- *Washington University Law Review* (Articles Editor, 2007–08; Staff Editor, 2006–07)

University of Notre Dame, Notre Dame, IN

B.A., Economics, *cum laude*, 2005

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### Teaching Interests

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**Primary Interests:** Appellate Procedure, Civil Procedure, Evidence

**Additional Interests:** Conflict of Laws, Federal Courts, Remedies

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### Past Employment

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Washington University School of Law, St. Louis, MO

Visiting Assistant Professor 2011–2013

Courses: Property; Judicial Decisionmaking & Free Speech (Seminar)

Jones Day, Chicago, IL

Associate, Issues & Appeals Practice 2009–2011

Hon. Edward C. Prado

United States Court of Appeals for the Fifth Circuit, San Antonio, TX

Judicial Law Clerk 2008–2009

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### Bar Admissions

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Illinois

United States Supreme Court

United States Courts of Appeals for the First, Second, Sixth & Tenth Circuits

United States District Court for the Northern District of Illinois