

**E. FARISH PERCY**

University of Mississippi School of Law  
Robert C. Khayat Law Center  
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**EMPLOYMENT**

**University of Mississippi School of Law**

Professor: 2014 - present

Associate Professor: 2007 - 2014

Assistant Professor: 2001 - 2007

Mississippi Defense Lawyers Association Distinguished Lecturer: (2013 - present)

Jesse D. Puckett, Jr., Lecturer: 2008 - 2013

**Courses:** Torts, Insurance, Civil Procedure II, and Evidence.

**Awards:** 2013 Recipient of the Ben A. Hardy Faculty Excellence Award for outstanding teaching, scholarship and service.

**Publications:**

*The Tedford Equitable Exception Permitting Removal of Diversity Cases After One Year: A Welcome Development or the Opening of Pandora's Box?*, 63 Baylor Law Review 146 (2011).

*Applying the Common Fund Doctrine to an ERISA-Governed Employee Benefit Plan's Claim for Subrogation or Reimbursement*, 61 Florida Law Review 55 (2009).

*Defining the Contours of the Emerging Fraudulent Misjoinder Doctrine*, 29 Harvard Journal of Law and Public Policy 569 (2006).

*Making a Federal Case of It: Removing Civil Cases to Federal Court Based on Fraudulent Joinder*, 91 Iowa Law Review 189 (2005).

*Checking up on the Medical Malpractice Liability Insurance Crisis in Mississippi: Are Additional Tort Reforms the Cure?*, 73 Mississippi Law Journal 1001 (2004).

*Book Review: Moonlight: Abraham Lincoln and the Almanac Trial*, Voir Dire, Vol. 8, Issue 1, Spring 2001.

*William Alexander Percy: Poet at Heart*, The Mississippi Lawyer, Vol. XLIV, Issue 2, Nov./Dec. 1997.

**Court Citations to the Law Review Articles Above:**

1. *Knudson v. Systems Painters, Inc.*, 634 F.3d 968 (8th Cir. 2011) (citing E. Farish Percy, *Making A Federal Case of It: Removing Civil Cases to Federal Court Based on Fraudulent Joinder*, 91 Iowa L. Rev. 189, 234 (2005)).
2. *Lafalier v. State Farm Fire and Cas. Co.*, 391 Fed. Appx. 732 (10th Cir. 2010) (citing E. Farish Percy, *Defining the Contours of the Emerging Fraudulent Misjoinder Doctrine*, 29 Harv. J.L. & Pub. Pol'y 569, 572 (2006)).
3. *Tutor v. Liberty Ins. Corp.*, 2014 WL 1648620 (N.D. Miss. Apr. 24, 2014) (citing E. Farish Percy, *Making A Federal Case of It: Removing Civil Cases to Federal Court Based on Fraudulent Joinder*, 91 Iowa L. Rev. 189, 234 (2005)).
4. *Ullman v. Safeway Ins. Co.*, 2013 WL 7141522 (D. N.M. Dec. 31, 2013) (citing E. Farish Percy, *Defining the Contours of the Emerging Fraudulent Misjoinder Doctrine*, 29 Harv. J.L. & Pub. Pol'y 569, 572 (2006)).
5. *Flores-Duenas v. Briones*, 2013 WL 6503537 (D. N.M. Dec. 1, 2013) (citing E. Farish Percy, *Defining the Contours of the Emerging Fraudulent Misjoinder Doctrine*, 29 Harv. J.L. & Pub. Pol'y 569, 572 (2006)).
6. *Carey v. Allstate Ins. Co.*, 2013 WL 5970487 (W.D. La. Nov. 7, 2013) (citing E. Farish Percy, *The Tedford Equitable Exception Permitting Removal of Diversity Cases After One Year: A Welcome Development or the Opening of Pandora's Box?*, 63 Baylor Law Review 146 (2011)).
7. *Larson v. Abbott Laboratories*, 2013 WL 5937824 (D. Md. Nov. 5, 2013) (citing E. Farish Percy, *Defining the Contours of the Emerging Fraudulent Misjoinder Doctrine*, 29 Harv. J.L. & Pub. Pol'y 569, 572 (2006)).
8. *Flowers v. Direct Ins. Co. of Miss.*, 955 F. Supp. 2d 638 (N.D. Miss. July 23, 2103) (citing E. Farish Percy, *Making A Federal Case of It: Removing Civil Cases to Federal Court Based on Fraudulent Joinder*, 91 Iowa L. Rev. 189, 234 (2005)).
9. *Franklin D. Azar & Associates, P.C. v. Farmers Insurance Exchange*, 2013 WL 1324916 (D. Colo. Apr. 1, 2013) (citing E. Farish Percy, *Defining the Contours of the Emerging Fraudulent Misjoinder Doctrine*, 29 Harv. J.L. & Pub. Pol'y 569, 572 (2006)).
10. *Williams v. Altman, McGuire, McClellan & Crum, P.S.C.*, 2013 WL 28378 (E.D. Ky. Jan. 2, 2013) (citing E. Farish Percy, *Defining the Contours of the Emerging Fraudulent Misjoinder Doctrine*, 29 Harv. J.L. & Pub. Pol'y 569, 572 (2006)).

11. *Carrillo v. JP Morgan Chase Bank, N.A.*, 2012 WL 3276971 (W.D. Tex. Aug. 9, 2012) (citing E. Farish Percy, *Making A Federal Case of It: Removing Civil Cases to Federal Court Based on Fraudulent Joinder*, 91 Iowa L. Rev. 189, 234 (2005)).
12. *Alpha Biomedical and Diagnostic Corp. v. Philips Medical Systems Netherland BV*, 828 F. Supp. 2d 425 (D. Puerto Rico 2011) (citing E. Farish Percy, *Making A Federal Case of It: Removing Civil Cases to Federal Court Based on Fraudulent Joinder*, 91 Iowa L. Rev. 189, 234 (2005)).
13. *Murriel-Don Coal Co., Inc. v. Aspen Ins. UK Ltd.*, 790 F. Supp. 2d 590 (E.D. Ky. 2011) (citing E. Farish Percy, *Making A Federal Case of It: Removing Civil Cases to Federal Court Based on Fraudulent Joinder*, 91 Iowa L. Rev. 189, 234 (2005)).
14. *LCAP Advisors, LLC v. Penrith Group, Inc.*, 2011 WL 1375572 (C.D. Cal. Apr. 11, 2011) (citing E. Farish Percy, *Making A Federal Case of It: Removing Civil Cases to Federal Court Based on Fraudulent Joinder*, 91 Iowa L. Rev. 189, 234 (2005)).
15. *Reuter v. Medtronics, Inc.*, 2010 WL 4628439 (D. N.J. Nov. 5, 2010) (citing E. Farish Percy, *Defining the Contours of the Emerging Fraudulent Misjoinder Doctrine*, 29 Harv. J.L. & Pub. Pol'y 569, 572 (2006)).
16. *Texas Instruments Inc. v. Citigroup Global Markets, Inc.*, 266 F.R.D. 143 (N.D. Tex. 2010) (citing E. Farish Percy, *Defining the Contours of the Emerging Fraudulent Misjoinder Doctrine*, 29 Harv. J.L. & Pub. Pol'y 569, 572 (2006)).
17. *Padilla v. AT & T Corp.*, 697 F. Supp. 2d 1156 (C.D. Cal. 2009) (citing E. Farish Percy, *Making A Federal Case of It: Removing Civil Cases to Federal Court Based on Fraudulent Joinder*, 91 Iowa L. Rev. 189, 234 (2005)).
18. *Saunders v. Countrywide Home Loans of Minnesota, Inc.*, 548 F.Supp.2d 692 (D. Minn. 2008) (citing E. Farish Percy, *Defining the Contours of the Emerging Fraudulent Misjoinder Doctrine*, 29 Harv. J.L. & Pub. Pol'y 569, 572 (2006)).
19. *Estate of Klaus ex rel. Klaus v. Vicksburg Healthcare, LLC*, 972 So.2d 555 (Miss. 2007) (citing E. Farish Percy, *Checking Up on the Medical Malpractice Liability Insurance Crisis in Mississippi: Are Additional Reforms the Cure?*, 73 Miss. L.J. 1001, 1002 (2004)).
20. *Bova v. U.S. Bank, N.A.*, 446 F.Supp.2d 926 (S.D. Ill. 2006) (citing E. Farish Percy, *Making A Federal Case of It: Removing Civil Cases to Federal Court Based on Fraudulent Joinder*, 91 Iowa L. Rev. 189, 234 (2005)).

21. *Brooks v. Merck & Co., Inc.*, 443 F. Supp. 2d 994 (S.D. Ill. 2006) (citing E. Farish Percy, *Making A Federal Case of It: Removing Civil Cases to Federal Court Based on Fraudulent Joinder*, 91 Iowa L. Rev. 189, 234 (2005)).

#### **PAST EMPLOYMENT**

**Of Counsel:** Tollison Law Firm, P.A., Oxford, MS (2001 - 2008)  
Concentrated in appellate tort litigation.

**Attorney:** Tollison Law Firm, P.A., Oxford, MS (1993 - 2001)  
Concentrated in commercial litigation, tort litigation and appellate practice. Tried numerous civil cases in state and federal courts in Mississippi and briefed and argued several appellate cases before the United States Court of Appeals for the Fifth Circuit and the Mississippi Supreme Court.

**Adjunct Professor:** University of Mississippi School of Law (1998 - 2001)  
Taught Appellate Advocacy.

**Attorney:** Latham & Watkins, Washington, D.C. (1992 - 1993)  
Concentrated in Corporate Tax.

**Law Clerk:** Judge E. Grady Jolly, United States Court of Appeals for the Fifth Circuit (1991 - 1992)

#### **BAR MEMBERSHIPS AND OTHER PROFESSIONAL ACTIVITIES**

**Lecturer:** American College of Coverage and Extracontractual Counsel Symposium, University of Mississippi School of Law, March 21, 2014

**Sponsor and Lecturer:** Summary of Recent Mississippi Law CLE (2012 - present). The CLE provides in-depth coverage of recent Mississippi civil law in the areas of Civil Practice and Procedure, Torts, Evidence, Real Property, Family Law, and Insurance. The 6 hour CLE is offered annually in Oxford, Biloxi and Jackson, MS.

**Member:** Mississippi Bar, American Bar Association, Lafayette County Bar Association and Mississippi Women Lawyers Association.

**Reporter:** Mississippi Supreme Court Advisory Committee on Rules (2006 - present)  
Reporter for the Complex Litigation Subcommittee and the Civil Rules Subcommittee. Responsible for researching proposed rule changes and drafting proposed rule changes and memoranda for consideration by the Committee and the Mississippi Supreme Court.

**Member:** 2000 Federal Civil Rules Advisory Committee - Northern District of Mississippi.

**Amicus Curiae:**

Appeared as Amicus Curiae with other employment law/ERISA law professors in support of the respondents in *U.S. Airways, Inc. v. McCutchen*, 133 S. Ct. 1527 (2013).

Appeared as Amicus Curiae with Professors Arthur R. Miller, Erwin Chemerinsky, Michael Solimine, Adam Steinman, and Rhonda Wasserman in support of the respondents in *Powerex Corp. v. Reliant Energy Services, Inc.*, 551 U.S. 224 (2007).

Appeared as Amicus Curiae with Professors Arthur Miller, Michael Solimine, and Jill Fisch in support of the petitioners in *Kircher v. Putnam Funds Trust*, 547 U.S. 633 (2006).

**Lecturer:** Mississippi Bar/Bri Bar Review Course/Mississippi Civil Practice and Procedure (Summers 2007 - present).

**EDUCATION**

**University of Virginia:** J.D. Degree 1991

Order of the Coif

Law Review, Articles Review Board Member 1990-1991

Law Review, Editorial Board Member 1989-1990

Shannon Z Society Award (awarded at graduation to the student who contributed the most to the academic excellence of the law school)

**University of North Carolina:** B.A. Degree in Economics (with distinction) 1988

**London School of Economics and Political Science:** General Course Student 1986-87