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## **EMPLOYMENT**

### **1993-Present**

#### **Partner**

#### **Kairys, Rudovsky, Messing & Feinberg, Philadelphia, PA.**

Provide representation in civil rights litigation in the areas of police misconduct, prisoner's rights, homelessness, student violence issues, race and gender discrimination, sexual harassment, and First Amendment violations.

Provide criminal defense representation in state and federal prosecutions at the trial and appellate level.

### **1974-1976, 1978-1993**

#### **Senior Trial Attorney and Administrator**

#### **Defender Association of Philadelphia, Philadelphia, PA.**

As Deputy Chief of the Felony Unit, supervised more than one hundred trial attorneys and maintained a caseload of major felony cases.

As a Senior Trial Attorney, provided representation to indigent criminal defendants at all levels of trial and appellate practice, including more than one hundred felony jury trials.

### **1976-1977**

#### **Staff Attorney**

#### **Public Interest Law Center of Philadelphia, Philadelphia, PA.**

Police Abuse Project.

Provided representation to Plaintiffs in police misconduct cases in connection with civil rights litigation and private criminal prosecutions.

Participated in the creation of civilian complaint procedures and policy issues related to police-community relations.

### **1973-1974**

#### **Associate Attorney**

#### **Cohen and Lore, Philadelphia, PA.**

Provided legal representation in the general practice of law, with emphasis on criminal defense, landlord-tenant law, and civil rights litigation.

## TEACHING

### **2006-Present**

#### **Visiting Professor, Tsinghua University School of Law, Beijing, China**

Professor at Temple-Tsinghua LL.M. Program teaching a course in U.S. Criminal Law (incorporating the teaching of substantive criminal law with elements of Chinese Criminal law and U.S. constitutional law principles), Evidence and Trial Advocacy.

### **1987-Present**

#### **Adjunct Professor, Temple School of Law**

Instructor of Integrated Trial Advocacy Program, a curriculum which includes trial advocacy training taught in conjunction with substantive courses in evidence and civil procedure.

### **1980-Present**

#### **Faculty Member, National Institute of Trial Advocacy**

Instructor and presenter at regional and national sessions for the teaching of introductory and advanced trial advocacy techniques.

### **1985-1998**

#### **Adjunct Professor, Rutgers School of Law at Camden**

Instructor of Criminal Litigation Clinic.

Coordinated student internships at area prosecution and public defender services and taught classroom component with emphasis on trial advocacy techniques and ethical issues.

### **1981-1984**

#### **Clinical Instructor, University of Pennsylvania Law School**

Instructor of clinical program in which law students served as supervised trial counsel for indigent criminal defendants.

## SELECTED CIVIL RIGHTS LITIGATION

*Bailey, et al. v. City of Philadelphia, et al.* A class action lawsuit which secured a Consent Decree to monitor the conduct of officers of the Philadelphia Police Department in connection with groundless stops, frisks and detentions that are based on impermissible considerations of race and national origin.

*Chosen 300 Ministries, et al. v. City of Philadelphia, et al.* A §1983 action for injunctive and declaratory relief brought on behalf of religious organizations to enjoin the City's ban on the plaintiffs' programs to provide food and services to the homeless.

*Graham, et al. v. City of Philadelphia, et al.* A class action lawsuit which stopped the custom and practice of using pretextual criminal charges to arrest homeless persons on the public streets of Philadelphia.

*Glenn, et al. v. City of Philadelphia, et al.* A series of §1983 actions based upon unlawful arrests and prosecutions of individuals who challenged the authority of the police by engaging in protected speech under the First Amendment.

*Lyons, et al. v. City of Philadelphia, et al.* A series of §1983 actions based upon unlawful conduct, including improper arrests and the unreasonable use of force, by off-duty law enforcement officers.

*Graves, et al. v. City of Philadelphia, et al.* A series of §1983 actions based upon unlawful arrests and prosecutions which arose from First and Fourth Amendment violations during the Republican National Convention in Philadelphia.

*Lancaster, et al. v. SEPTA, et al. and Wilkins, et al. v. City of Phila., et al.* A series of §1983 actions based upon the interference with the First Amendment rights of street musicians.

*Davis, et al. v. City of Philadelphia, et al.* A class action lawsuit which stopped the custom and practice of incarcerating indigent traffic violators without due process and equal protection of the law in Philadelphia Traffic Court.

*Davilla v. City of Philadelphia and Mariano* A §1983 action for improper termination of employment and First Amendment violations by former City Councilman who retaliated against the plaintiff as a result of her cooperation in a federal criminal investigation.

*School District of Philadelphia v. Doe and Roe* Represented public school students in modifying and dissolving an injunction that had been issued in connection with protest activity directed at the privatization of the Philadelphia school system.

*Anspach v. City of Philadelphia, et al.* Represented Amici Curiae in defense of City health policy of distributing contraceptives to minors without parental involvement or consent.

*Honkala, et al. v. City of Philadelphia, et al.* A §1983 action on behalf of political activists for unlawful arrest, unreasonable force and First Amendment violations by police officers at the opening of the National Constitution Center in Philadelphia.

*Wright v. City of Philadelphia* A §1983 action based upon the mistreatment of a rape victim and the pattern, practice and custom of failing to properly investigate sexual assault complaints and mistreating the victims of sexual assaults.

*CEPA v. Jebas, et al.* Represented officials of Consumer Education and Protective Association in dissolving an injunction that had been issued in violation of First Amendment rights and in bringing civil rights claim for damages which resulted from the constitutional deprivations.

*Palmer v. City of Philadelphia, et al.* A §1983 action for unreasonable force in connection with the improper treatment of persons with mental health disabilities and the municipalities

failure to properly train and supervise officers on this issue.

*Wolfson, et al. v. City of Philadelphia, et al.* A series of §1983 actions for unlawful arrests and unreasonable force against police officers and the municipality where there was a practice and custom of abusing police powers in a business district of Philadelphia in an unconstitutional effort to maintain the public image of the City.

*Robinson, et al. v. School District of Philadelphia, et al.* A series of §1983 actions based upon the state created dangers which arose from the failure to transfer or otherwise protect public school students in the wake of repeated assaults at school.

*Tlaseca, et al. v. Chester County, et al.* A series of §1983 actions based upon a governmental conspiracy to violate the civil rights of itinerant farm workers.

*Mungai v. Lancaster County, et al.* A §1983 action based on the municipality's failure to train officers to recognize and treat stroke victims.

*Gay v. Czech, et al.* Represented Plaintiff who was protesting deer kills by Pennsylvania Game Commission in §1983 action for unlawful arrest, unreasonable force and First Amendment violations.

*Espejo, et al. v. City of Philadelphia, et al.* A series of §1983 actions based upon improper searches of private homes and the use of SWAT Units to make an unnecessary dynamic entries.

*Miller, et al. v. City of Philadelphia, et al.* A series of §1983 actions for unlawful arrest, unreasonable force and First Amendment violations by police officers who had not been properly supervised and disciplined despite extensive records of prior misconduct complaints and investigations.

*Acevedo, et al. v. School District of Philadelphia, et al.* A series of §1983 actions based upon the use of unreasonable force against public school students by school police officers.

*Torres, et al. v. City of Philadelphia, et al.* A series of §1983 actions based upon unlawful arrests by off-duty police officers and the failure of the municipality to properly train, supervise and discipline officers in matters involving the officers' personal disputes.

*Reed, et al. v. City of Philadelphia, et al.* A series of state court action asserting state civil rights violations and tort claims based upon the use of unreasonable force, unlawful arrests and retaliation by police officers.

*Miller, et al. v. Cheltenham Township, et al.* A series of §1983 actions which challenged the use of "special detail" police officers in commercial establishments to enforce discriminatory practices through arrest.

## SELECTED CRIMINAL DEFENSE LITIGATION

Represented members of political and advocacy organizations including the Kensington Welfare Rights Union, Grannies for Peace, Disabled in Action, Brandywine Peace Community, Consumer Education and Protective Association, and other political activists who were charged with criminal offenses in connection with protected First Amendment activities.

Represented homeless individuals and street musicians who were charged with criminal offenses in connection with protected First Amendment activities.

Secured a new trial for college professor accused of shooting two police officers who were on his property. Commonwealth v. Edward Constant, Allegheny County Court of Common Pleas.

Represented defendant after the grant of a new trial who had served more than twenty-five years on a murder charge and was exonerated on the basis of after-discovered evidence and ineffectiveness of counsel. The charges were ultimately dismissed. Commonwealth v. Baker, Court of Common Pleas of Philadelphia County.

Represented numerous defendants charged with capital murder in Philadelphia County. Successfully defended against the criminal charges in all cases.

Represented members of local unions, including the Transport Workers Union, in criminal prosecutions which arose from picketing activities.

Defended members of the transgender community who were arrested on pretextual criminal charges.

Defended numerous defendants charged with drug-related offenses by officers who were ultimately dismissed from the police force and criminally prosecuted as a result of police misconduct related to the drug arrests.

## PROFESSIONAL ACTIVITIES

**Course Planner**, *Police Misconduct Litigation*, Pennsylvania Bar Institute, 2013.

**Course Planner**, *Law of Arrest, Search and Seizure*, Pennsylvania Bar Institute, 2013.

**Course Planner**, *Use of Confidential Informants*, Pennsylvania Bar Institute, 2013.

**Course Planner**, *How to Handle a Felony Case*, Pennsylvania Bar Institute, 2012.

**Course Planner**, *Law of Arrest, Search and Seizure*, Pennsylvania Bar Institute, 2011.

**Course Planner**, *Police Misconduct and the Defense of Criminal Cases*, Pennsylvania Bar Institute, 2010.

**Course Planner**, *Strategies on Confidential Informants*, Pennsylvania Bar Institute, 2010.

**Presenter**, *First Amendment Forum*, Drexel School of Law, 2009.

**Course Planner**, *Exploring Selected Constitutional Issues*, Pennsylvania Bar Institute, 2007.

**Presenter**, *Legal Issues for Grassroots Activists*, Animal Rights Coalition, 2007.

**Course Planner**, *Constitutional Tort Litigation*, Pennsylvania Bar Institute, 2006.

**Presenter**, *Fundamentals of Criminal Practice*, Pennsylvania Bar Institute, 2005.

**Course Planner**, *Police Misconduct and the Defense of Criminal Cases*, Pennsylvania Bar Institute, 2005.

**Presenter**, *Police Misconduct and the Criminal Case*, Pennsylvania Bar Institute, 2003.

**Presenter**, *How to Try an Identification Case*, Pennsylvania Bar Institute, 2003.

**Course Planner**, *Police Misconduct and the Defense of Criminal Cases*, PBI 2002.

**Presenter**, *Police Misconduct Litigation*, University of Pennsylvania Law School, 2002.

**Presenter**, *Evidentiary Issues in Drug Cases*, Pennsylvania Bar Institute, 2001.

**Presenter**, *The Defense of Mistaken Identification*, Defender Association CLE, 2001.

**Panelist**, *Civil Rights Litigation in Police Cases*, Hispanic Bar Association, 2001.

**Panelist**, *Evolving Role of the Magistrate Judge*, Federal Bench Bar Conference, 2001.

**Presenter**, *Defense of Drug Cases*, Pennsylvania Bar Institute, 2001.

**Presenter**, *Police Student Relations*, Swarthmore College, 2001.

**Presenter**, *Practice in Mistaken Identification Cases*, Pennsylvania Bar Institute, 2000.

**Presenter**, *Ethical Issues in Criminal Defense*, Defender Association CLE, 1999.

**Presenter**, *Defense of Drug Cases*, Pennsylvania Bar Institute, 1998.

**Presenter**, *Ethical Issues in Criminal Defense*, Pennsylvania Bar Institute, 1997.

**Presenter**, *Ethical Issues in Criminal Defense*, Defender Association CLE, 1997.

**Panelist**, *Post-Trial Issues*, Department of Justice Training, 1996.

**Panelist**, *Street Crime in Federal Court*, Criminal Justice Act Training, 1996.

**Presenter**, *Criminal Defense and Police Misconduct*, Pennsylvania Bar Institute, 1996.

**Presenter**, *Defense of Drug Cases*, Pennsylvania Bar Institute, 1996.

Presenter and panelist in a variety of conferences, training sessions and seminars relating to criminal defense issues and civil rights litigation (1980 to present).

Provided expert testimony in the area of criminal defense representation in numerous ineffective assistance of counsel and legal malpractice matters.

## **PUBLICATIONS**

Messing, P., *Police Misconduct and the Defense of Criminal Cases*, 2<sup>nd</sup> Ed., PBI 2012.

Messing, P., *How to Handle a Felony Case*, PBI 201q2.

Messing, P., *Police Misconduct and the Defense of Criminal Cases*, PBI 2011.

Messing, P., *Confidential Informants: Problems, Issues and Strategies*, PBI 2010

Messing, P., *Constitutional Tort Litigation*, PBI, 2009.

Messing, P., *Constitutional Litigation in Current Political Climate*, PBI 2008.

Messing, P., *The First Amendment and Criminal Defense*, PBI 2007.

Messing, P., et al., *The Fundamentals of Section 1983 and Constitutional Tort Litigation*, PBI 2006.

Messing, P., et al., *Fundamentals of Criminal Law Practice*, PBI 2005.

Messing, P., *Police Misconduct and the Defense of Criminal Cases*, PBI 2004.

Messing, P., et al., *The Fundamentals of Section 1983 and Constitutional Tort Litigation*, PBI 2003.

Epstein, J. and Messing, P., *How to Try an Identification Case*, PBI 2003.

Messing, P., *Police Misconduct and the Defense of Criminal Cases*, PBI 2002.

Messing, P., *Pursuing Damages in §1983 Litigation*, Suffolk University Law School, 2002.

Epstein, J. and Messing, P., *How to Handle Evidence Problems in Drug Cases*, PBI 2001.

Epstein, J. and Messing, P., *Issues of Mistaken Identification*, PBI 2001.

Epstein, J. and Messing, P., *Defense of Drug Cases*, PBI 2000.

Authored or coauthored numerous training materials for continuing legal education and attorney orientation programs.

## **AWARDS**

*Civil Liberties Pioneer Award*, ACLU Pennsylvania, 2013.

*Robin Hood Was Right Award*, Bread and Roses Community Fund, 2012.

*Steppys Award for Homeless Advocacy*, Resources for Human Development, 2011.

*Superlawyer Award*, Civil Rights and First Amendment, 2003-Present.

## **ORGANIZATIONAL MEMBERSHIPS**

Board of Trustees, Women's Law Project, Philadelphia, PA.

Chair, Legislative Committee, ACLU, Philadelphia, PA.

Advisory Board, Mazzone Center, Philadelphia, PA.

## **BAR MEMBERSHIPS**

Supreme Court of Pennsylvania, 1973.

United States District Court for the Eastern District of Pennsylvania, 1974.

United States Court of Appeals for the Third Circuit, 1974.

United States Supreme Court, 1976.

## **EDUCATION**

**B.A.** City College of New York, 1970.

**J.D.** Temple School of Law, 1973.