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Hastings College of the Law  
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## ACADEMIC APPOINTMENTS

**Professor of Law**, University of California, Hastings College of the Law, San Francisco, CA  
September 2002 – present

**Associate Academic Dean**, University of California, Hastings College of the Law, San Francisco, CA  
July 2004 – June 2006

**Associate Professor of Law**, University of California, Hastings College of the Law, San Francisco, CA  
September 1999 – August 2002

**Assistant Professor of Law**, University of California, Hastings College of the Law, San Francisco, CA  
July 1996 – August 1999

Subjects Taught: Administrative Law, American Legal History, Employment Discrimination,  
Labor Law

Professional Honors: Rutter Group Teaching Award (2000); Outstanding Faculty Member (1998,  
1999, 2000, 2006); Traynor Scholarly Publication Grant (Summer 1998); 1066 Foundation  
Faculty Award (Summer 1999); ASUCH Administrator of the Year (2006); American Bar  
Association Administrative Law Section Scholarship Award (2008)

Governance Activities: Student Services and Admissions Oversight Committee (1996-97, 1997-  
98); Executive Committee (1998-99, 2001-2002, 2007-2008); Admissions Committee  
(1999-2000); Hiring Committee (2000-2001, 2001-2002); Rank and Tenure Committee  
(2002-2003); Student Misconduct Committee (2003-2004); Academic Standards  
Committee (2006-2007); Chair, Academic Standards Committee (2007-2008); Chair,  
Disqualified Students Committee (2008-2009)

**Louis Prashkar Teaching Fellow**, Saint John's University School of Law, Jamaica, N.Y.  
September 1995 through June 1996

Subject Taught: American Legal History

**Samuel I. Golieb Fellow in Legal History**, New York University School of Law  
September 1994 through June 1995

## EDUCATION

**University of Virginia Graduate School of Arts and Sciences**

Ph.D. in History, May 1997

M.A. in History, August 1990

**University of Virginia School of Law**

J.D., May 1993, Order of the Coif

**Yale University**

B.A. in History, *cum laude*, May 1988

## PUBLICATIONS

### Articles:

“It is Not Wisdom, but Authority That Makes a Law.’ A Historical Perspective on the Problem of Creating  
a Restatement of Employment Law,” *Chicago-Kent Law Review* (forthcoming)

- “The Administrative State Front and Center: Studying Law and Administration in Postwar America, 26 *Law and History Review* 415 (2008).
- “The Era of Deference: Courts, Expertise, and the Emergence of New Deal Administrative Law,” 106 *Michigan Law Review* 399 (2007) Winner of the 2008 American Bar Association Administrative Law Section Scholarship Award.
- “Saint George and the Dragon: Courts and the Administrative State in Twentieth-Century America” 17 *Journal of Policy History* 110 (2005); reprinted in Julian Zelizer, ed., *New Directions in Policy History* (2005).
- “The *Emporium Capwell* Case: Race, Labor Law, and the Crisis of Postwar Liberalism, 25 *Berkeley Journal of Employment and Labor Law* 129 (2004).
- “Rulemaking’s Promise: Administrative Law and Legal Culture in the 1960s and 1970s,” 53 *Administrative Law Review* 1139 (2001).
- Hockett, *New Deal Justice* (book review), 19 *Law and History Review* 462 (2001).
- “Enlarging the Administrative Polity: Administrative Law and the Changing Definition of Pluralism, 1945-1970,” 53 *Vanderbilt Law Review* 1389 (2000).
- “Free Speech and Expertise: Administrative Censorship and the Birth of the Modern First Amendment,” 86 *Virginia Law Review* 1 (2000); reprinted in James L. Swanson, ed., *First Amendment Law Handbook* (2000-2001).
- “From Group Rights to Individual Liberties: Post-War Labor Law, Liberalism, and the Waning of Union Strength,” 20 *Berkeley Journal of Employment and Labor Law* 301(1999).
- "The Strawhorsemen of the Apocalypse: Relativism and the Historian As Expert Witness," 49 *Hastings Law Journal* 1169 (1998).
- "Regulation's Hidden History" (book review) 25 *Reviews in American History* 416 (1997).
- Note, "Conflicting Obligations: Slave Law and the Late Ante-bellum North Carolina Supreme Court," 78 *Virginia Law Review* 1207 (1992).

### **Chapters in Books:**

- “Kenneth Culp Davis” in the *Yale Dictionary of Legal Biography* (2009).
- “The Administrative State” in the *Oxford International Encyclopedia of Legal History* (2009).
- “Fair Labor Standards Act” in David S. Tannehaus, ed., *Encyclopedia of the Supreme Court of the United States* (2008).
- “*Cleveland Board of Education v. Loudermill*” in David S. Tannehaus, ed., *Encyclopedia of the Supreme Court of the United States* (2008).
- “*Aboud v. Detroit Board of Education*” in David S. Tannehaus, ed., *Encyclopedia of the Supreme Court of the United States* (2008).
- “The Story of *Emporium Capwell*: Civil Rights, Collective Action, and the Constraints of Union Power,” in Laura Cooper and Catherine Fisk, eds., *Labor Law Stories* (2005) (with Calvin William Sharpe and Marion G. Crain).

“Reining-in the Administrative State: World War II and the Decline of Expert Administration” in Daniel Ernst and Victor Jew, eds., *Total War and the Law: New Perspectives on World War II* (2003).

## PROFESSIONAL ACTIVITIES

“It is Not Wisdom, but Authority That Makes a Law.’ A Historical Perspective on the Problem of Creating a Restatement of Employment Law.” University of California, Hastings College of the Law Conference on the Restatement of Employment Law. San Francisco, California, March 2009.

“Singing the ‘Right to Work’ Blues: The Politics of Race in the Campaign for ‘Voluntary Unionism’ in Post-War California.” University of California, Santa Barbara, Department of History Conference on “The Right and Labor: Politics, Ideology, and Imagination.” Santa Barbara, California, January, 2009.

“The Era of Deference: Courts, Expertise, and the Emergence of New Deal Administrative Law.” American Bar Association, Administrative Law Section Annual Meeting, Washington, D.C., October, 2008.

“Ed Rainbow’s Problem: Race, Labor, and the Emergence of Legal Liberalism in *James v. Marinship*.” Paper presented at the University of Virginia School of Law Legal History Workshop, Charlottesville, VA, October, 2008.

Invited Discussant, Conference on “Administrative Law and Regulatory Governance,” Vanderbilt University Law School, Nashville, Tennessee, September, 2007.

Invited Discussant, Conference on “Law, War, and History.” University of California, Boalt Hall School of Law, Berkeley, California, February, 2007.

“The Era of Deference: Courts, Expertise, and the Emergence of New Deal Administrative Law.” Paper presented to the UCLA Legal History Workshop, Los Angeles, California, January, 2007.

Commentator for a Law and Society Association Panel entitled “War, Society, and Legal Change” Las Vegas, Nevada, June 2005.

“A Surprising Antagonist: Executive Deregulation and the Federal Judiciary, 1978-1992.” Paper delivered at the Policy History Conference, Saint Louis, Missouri, May 2004.

“Saint George and the Dragon: Courts and the Administrative State in Twentieth-Century America.” Paper delivered at the American Society for Legal History Annual Meeting, San Diego, California, November, 2002.

“Emporium Capwell: Labor Law and the Crisis of Post-War Liberalism.” AFL-CIO Lawyers Committee, Western Regional Meeting. San Francisco, California, October, 2002.

“Legal Science and the Rise of the Socratic Method.” Paper delivered at Nihon University, Tokyo, Japan, December, 2001.

“Enlarging the Administrative Polity: Administrative Law and the Changing Definition of Pluralism, 1945-1970.” Paper delivered at the American Society for Legal History Annual Meeting, Toronto, Ontario, October, 1999.

“Reining-in the Administrative State: World War II and the Decline of Expert Administration.” Paper delivered at the 1998 Michigan State University Sweet Symposium: “Total War and the Law: New Perspectives on World War II.” East Lansing, Michigan, November, 1998.

Commentator for American Society for Legal History Panel entitled "Sovereignty & Neutrality after Legal Realism." ASLH Annual Meeting, Seattle, Washington, October, 1998.

Commentator for American Historical Association Panel entitled "Clerks, Crooks, and Mentors: Generational Relations in American Legal Culture." AHA Annual Meeting, Seattle, Washington, January, 1997.

"Political Culture and Public Law: Changes in Administrative Law and the Rise of Interest Group Pluralism in Post-War America." Paper delivered at the Organization of American Historians Annual Meeting, Chicago, Illinois, March, 1996.

## **PROFESSIONAL ACTIVITIES AND AFFILIATIONS**

Editorial Board, *California Legal History*

Member, American Historical Association, American Society for Legal History, Organization of American Historians