

Reuel Schiller

University of California, Hastings College of the Law
200 McAllister Street, San Francisco, CA 94102

ACADEMIC APPOINTMENTS

Honorable Roger J. Traynor Chair, July 2016 – present	University of California
Professor of Law, 2002 – present	Hastings College of the
Law	
Associate Dean for Research, 2014- 2016	
Associate Academic Dean, 2004 –2006	
Associate Professor of Law, 1999 –2002	
Assistant Professor of Law, 1996 –1999	
Louis Prashkar Teaching Fellow, 1995 - 1996	Saint John’s University
	School of Law
Samuel I. Golieb Fellow in Legal History, 1994 - 1995	New York University
	School of Law

SUBJECTS TAUGHT

Administrative Law, American Legal History, Employment Discrimination, Labor Law

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

Book:

Forging Rivals: Race, Class, and the Collapse of Postwar Liberalism (Cambridge University Press, 2015).

Winner of the American Society for Legal History's 2016 John Philip Reid Book Award for best monograph by a mid-career or senior scholar, published in English in any of the fields defined broadly as Anglo-American legal history.

Honorable mention for the Law and Society Association's 2015 J. Willard Hurst Prize for the best work in socio-legal history.

Articles and Book Chapters:

"The Curious Origins of Airline Deregulation: Economic Deregulation and the American Left," __ *Business History Review* __ (forthcoming).

"Regulation and the Collapse of the New Deal Order or How I Learned to Stop Worrying and Love the Market," Gerstle, Lichtenstein, O'Connor, eds., *Beyond the New Deal Order* (University of Pennsylvania Press, forthcoming).

"Conflict in the 'Tranquil Gardens': *Banks v. Housing Authority of San Francisco* and the Definition of Equality in Multi-Racial California," Minter, ed., *Unnamed Festschrift in Honor of Charles McCurdy* (University of Virginia Press, forthcoming).

"Mourning King: The Civil Rights Movement and the Fight for Economic Justice," 27 *New Labor Forum* 12 (2018).

"The Historical Origins of American Regulatory Exceptionalism," in Bignami and Zaring, eds., *Comparative Law and Regulation* (Edward Elgar, 2016).

"A Surprising Antagonist: Executive Deregulation and the Federal Judiciary, 1978-1992" in Hulsebosch and Bernstein, eds., *Making Legal History* (New York University Press, 2013).

"Conflicting Obligations: American Political Culture and the Law of the Workplace," 30 *Nihon University Journal of Comparative Law* 1 (2013).

"Regulating the Workplace: Three Models of Labor and Employment Law in the United States," 29 *Nihon University Journal of Comparative Law* 1 (2012).

"Singing the 'Right to Work' Blues: The Politics of Race in the Campaign for 'Voluntary Unionism' in Post-War California" in Shermer and Lichtenstein, eds., *The Right and Labor: Politics, Ideology, and Imagination* (University of Pennsylvania Press, 2011).

"Different Cultures, Different Conflicts: Sex Discrimination Law and the United States and Japan," 28 *Nihon University Journal of Comparative Law* 127 (2011).

"'It is Not Wisdom, but Authority That Makes a Law.' A Historical Perspective on the Problem of Creating a Restatement of Employment Law," 13 *Employee Rights and Employment Policy Journal* 39 (2009).

"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 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).

“The *Emporium Capwell* Case: Race, Labor Law, and the Crisis of Postwar Liberalism,” 25 *Berkeley Journal of Employment and Labor Law* 129 (2004).

“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).

“Rulemaking’s Promise: Administrative Law and Legal Culture in the 1960s and 1970s,” 53 *Administrative Law Review* 1139 (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).

Note, "Conflicting Obligations: Slave Law and the Late Ante-bellum North Carolina Supreme Court," 78 *Virginia Law Review* 1207 (1992).

Short Pieces and Book Reviews (select):

“David Bazelon,” in Susan Ware, ed., *American National Biography* (New York: Oxford University Press, forthcoming).

Review, Kopolov, *Memory Laws, Memory Wars: The Politics of the Past in Europe and Russia*, Jotwell.com (May, 2019)

“The Ideological Origins of Deregulation,” *The Regulatory Review*, theregreview.org (March 18, 2019).

Review, Philips-Fein, *Fear City: New York’s Fiscal Crisis and the Rise of Austerity Politics*, Jotwell.com (June, 2018).

“How Adversarialism Triumphed – And What It Wrought,” review of Kessler, *Inventing American Exceptionalism: The Origins of American Adversarial Legal Culture, 1800-1877*, *CSCHS Newsletter* 26 (Fall/Winter 2017)

Review, Farrington, *Black Republicans and the Transformation of the GOP*, *122 American Historical Review* 1244 (2017).

Review, Klarman, *The Framers’s Coup: The Making of the United States Constitution*, Jotwell.com (May, 2017).

Review, Hockett, *The Storm Over This Court*, *81 Journal of Southern History* (2015).

Review, Grisinger, *The Unwieldy American State: Administrative Politics Since the New Deal*, *31 Law and History Review* 639 (2013)

“Law, Liberalism and the New History of the Civil Rights Movement,” *61 Hastings Law Journal* 1257 (2010) (an extended book review of Thomas Sugrue, *Sweet Land of Liberty: The Forgotten Struggle for Civil Rights in the North*).

“Kenneth Culp Davis” in Roger K. Newman, ed., *The Yale Dictionary of Legal Biography* (2009).

“The Administrative State” in Stanley N. Katz, ed., *The Oxford International Encyclopedia of Legal History* (2009).

“Fair Labor Standards Act” in David S. Tannenhaus, ed., *Encyclopedia of the Supreme Court of the United States* (2008).

“*Cleveland Board of Education v. Loudermill*” in David S. Tannenhaus, ed., *Encyclopedia of the Supreme Court of the United States* (2008).

“*Abood v. Detroit Board of Education*” in David S. Tannenhaus, ed., *Encyclopedia of the Supreme Court of the United States* (2008).

Hockett, *New Deal Justice*, *19 Law and History Review* 462 (2001).

"Regulation's Hidden History," *25 Reviews in American History* 416 (1997) (a review of William Novack, *The People’s Welfare: Law and Regulation in Nineteenth-Century America*).

PROFESSIONAL ACTIVITIES (select)

“The Curious Origins of Airline Deregulation,” Law and History Workshop, Stanford University, School of Law, Palo Alto, Ca., April 9, 2019.

Discussant, “Controlling Administrative Action: New Directions in Legal and Political History,” American Society for Legal History Annual Meeting, Houston, Tx., November 9, 2018.

Discussant, “Administrative Constitutionalism and the Modern Administrative State,” at the University of Pennsylvania Law School Symposium, the History Theory and Practice of Administrative Constitutionalism, Philadelphia, Pa., October 20, 2018.

Panelist, American Bar Association, Section on Administrative Law and Regulatory Practice, Teleforum, “Deregulation Past and Present,” June 8, 2018.

“An Illusion of Persistence: The Chicago School and Contemporary Regulatory Policy,” Harvard Business School Conference, “New Perspectives on U.S. Regulatory History: Past & Present of Public Utilities and Antitrust Law,” Cambridge, Ma., June 4 and 5, 2018.

“Regulation and the Collapse of the New Deal Order,” Policy History Conference, Arizona State University, Tempe, Az., May 16-19, 2018.

“Regulation and the Collapse of the New Deal Order or How I Learned to Stop Worrying and Love the Market,” Center for the Study of Law and Society, University of California, Berkeley School of Law, Berkeley Ca., April 2, 2018.

“Regulation and the Collapse of the New Deal Order or How I Learned to Stop Worrying and Love the Market,” University of Virginia School of Law, Charlottesville, Va., February 6, 2018.

“The Surprising Origins of Contemporary Regulatory Policy,” University of Michigan Legal History Colloquium, Ann Arbor, Michigan, November 21, 2017.

“Trouble in the ‘Peaceful Garden’: Litigating Fair Housing in Multi-Racial San Francisco,” Conference on “The Legacy of Charles McCurdy,” Charlottesville, Virginia, November 2, 2015.

“Beyond New Deal Regulation: Neo-Liberalism and the Modern Administrative State,” Northern California Administrative Law Scholars Meeting, Stanford University School of Law, Palo Alto, California, October 19, 2015.

“Regulation and the Collapse of the New Deal Order or How I Learned to Stop Worrying and Love the Market,” University of California, Santa Barbara, Department of History Conference, “Beyond the New Deal Order.” Santa Barbara, California, September 26, 2015.

Commentator, “Regulating Sin: Cigarettes, Sex, Booze, and Backlash in Modern America,” American Society for Legal History Annual Meeting, Denver, Colorado, November, 2014.

“The Historical Origins of American Regulatory Exceptionalism,” George Washington University Law School/Warton Business School joint conference on Comparative Regulation, Washington, D.C., January, 2014.

“A Tale of Two Propositions: The Collapse of the Labor-Civil Rights Alliance in California, 1958-1966,” Bay Area Labor History Workshop, December, 2012.

Organizer and Chair for American Society for Legal History panel entitled “Legal Innovation in the Golden State,” Saint Louis, Missouri, November, 2012.

Commentator, “Undermining the Regulatory State from Within: Law, Administration, and Conservatism in Late-Twentieth-Century America,” Annual Meeting, Organization of American Historians, April 21, 2012, Milwaukee, WI.

Moderator, “Teaching and Practicing 21st Century Social Justice Lawyering,” Representing the Vulnerable and Remembering Ralph Abascal: Lessons from the 1970s, University of California, Hastings College of the Law, March 16, 2012, San Francisco, CA.

“Ed Rainbow’s Problem: Labor Law, Civil Rights, and Structure of Postwar Liberalism,” University of Oregon, School of Law, Faculty Colloquium, March 12, 2012, Eugene, OR.

“Delicate Alliances: Unions, Civil Rights, and the San Francisco Commission on Fair Employment Practices, 1946–1960,” American Historical Association, Pacific Coast Branch, Annual Meeting, August 11, 2011, Seattle, WA.

Moderator, “Lessons from the Union Context,” Conference on Work-Life Fit for Hourly Workers: Lessons for Employers and Unions, University of California, Hastings College of the Law, July 18, 2011, San Francisco, CA.

“Regulating the Workplace: Three Models of Labor and Employment Law in the United States;”
“Different Cultures, Different Conflicts: Sex Discrimination Law in the United States and Japan;”
“Conflicting Obligations: American Political Culture and Labor and Employment Law.” Three lectures delivered at Nihon University School of Law, Tokyo, Japan, June 2011.

“Civil Rights Protest and Labor Union Autonomy: The 1966 Hilton Hotel Protests and the Fate of Postwar Liberalism,” Center for Work, Law and Democracy, University of California, Santa Barbara, May 2011

“Forging Rivals: Labor Law, Fair Employment Practices Law, and the Fate of Postwar Liberalism,” New York University School of Law, Legal History Colloquium, November 2010.

“Strained Alliances: Labor Law, Fair Employment Practices, and the Fate of Postwar Liberalism,” Bay Area Labor History Workshop, September, 2010.

“A Surprising Antagonist: Executive Deregulation and the Federal Judiciary, 1978-1992.” Conference in Honor of William Nelson. New York University School of Law, New York, New York, May, 2010.

Commentator for an American Society for Legal History panel entitled “The Long Cold War.” Dallas, Texas, November, 2009.

“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 RECOGNITIONS

Winner of the American Society for Legal History's 2016 John Philip Reid Book Award for best monograph by a mid-career or senior scholar, published in English in any of the fields defined broadly as Anglo-American legal history.

Honorable mention for the Law and Society Association's J. Willard Hurst Prize for the best work in socio-legal history (2015)

Lawrence Nagin Research Grant (2009-11)

American Bar Association Administrative Law Section Scholarship Award (2008)

ASUCH Administrator of the Year (2006)

1066 Foundation Faculty Award (Summer 1999)

Traynor Scholarly Publication Grant (Summer 1998)

Outstanding Faculty Member (1998, 1999, 2000, 2006)

Rutter Group Teaching Award (2000)

PROFESSIONAL ACTIVITIES AND AFFILIATIONS

Co-Editor, Studies in Legal History series, Cambridge University Press

Convener and Selection Committee, American Society for Legal History's Johnson Program for First Book Authors

Editorial Boards of *Law and History Review*, *California Legal History*, *Western Legal History*

"Dream Mentor," The Miller Center of Public Affairs, University of Virginia

Contributing Editor, *LABOR: Studies in Working-Class History of the Americas*

Contributing Editor (Legal History), *Jotwell*

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

Member, Publications Committee, American Society for Legal History

Member, Committee on the History of Administrative Law, American Bar Association Section on Administrative Law and Regulatory Practice.

Referee, *Law and History Review*, *Journal of Policy History*, *Stanford Law Review*, Cambridge University Press