

DAVID M. RABBAN
The University of Texas School of Law
727 East Dean Keeton Street
Austin, Texas 78705-3299
drabban@mail.law.utexas.edu

Curriculum Vitae

EDUCATION

- J.D., Stanford Law School, 1974
Article Editor, Stanford Law Review, 1973-1974
- B.A., Wesleyan University, magna cum laude, 1971
Major: History and Religion
Phi Beta Kappa

LEGAL EXPERIENCE

- The University of Texas School of Law. Chair, 1998-present; Professor, 1986-1998;
Assistant Professor, 1983-1986 (Texas Excellence Teaching Award, 1991-1992)
Member, University of Texas Academy of Distinguished Teachers, 2001-2009
Massey Teaching Excellence Award, 2004-2006
- Yale University, Visiting Fellow, Whitney Humanities Center and Senior Research
Associate, Yale Law School, 2000-2001
- College of William and Mary, Lee Distinguished Visiting Professor, 1989-1990
- American Bar Foundation, Visiting Scholar, Spring 1987
- The University of Michigan Law School, Visiting Professor, Fall 1986
- American Association of University Professors, Counsel, 1980-1982; Associate Counsel,
1976-1980 (First Amendment, Academic Freedom and Tenure, Due Process,
Employment Discrimination, Collective Bargaining, Organizational Matters)
- Murray A. Gordon, P.C., 1974-1976 (private practice of labor law in New York City)

PUBLICATIONS

Book

Free Speech in Its Forgotten Years (Cambridge University Press 1997)

Co-winner, 1998 Morris D. Forkosch Prize presented by the Journal of the History of Ideas for "the best book in intellectual history published in 1997."

Winner, 1998 Eli M. Oboler Award of the American Library Association Intellectual Freedom Round Table for "the most significant work on intellectual freedom published in 1996 and 1997."

ARTICLES

The Historiography of The Common Law, 28 Law & Social Inquiry, 1161-1201 (2003).

The Historiography of Late Nineteenth-Century American Legal History, 4 Theoretical Inquiries in Law 541-78 (2003).

The Historiography of The Common Law, 28 Law & Social Inquiry 1091-1131 (Fall 2003).

Gerald Gunther: Generous Mentor, 55 Stanford Law Review 669-72 (2002).

Academic Freedom, Individual or Institutional?, 87 Academe 17-20 (2001).

Free Speech: The Lost Years, 25 Journal of Supreme Court History 145-60 (2000).

Free Speech in Progressive Social Thought, 74 Texas Law Review 951-1038 (1996).

Arbitration of Disputes Over Professional Standards, in G. Gruenberg (ed.), Arbitration 1994: Controversy and Continuity, Proceedings of the Forty-Seventh Annual Meeting, National Academy of Arbitrators 194-213 (1994).

The IWW Free Speech Fights and Popular Conceptions of Free Expression Before World War I, 80 Virginia Law Review 1055-1158 (1994).

Academic Freedom, Professionalism, and Intramural Speech, in E. Benjamin and D. Wagner (eds), Academic Freedom: An Everyday Concern 77-88 (Josey-Bass 1994).

Does Professional Education Constrain Academic Freedom?, 43 Journal of Legal Education 358-70 (1993).

The Free Speech League, the ACLU, and Changing Conceptions of Free Speech in American History, 45 Stanford Law Review 47-114 (1992).

Is Unionization Compatible with Professionalism?, 45 Industrial and Labor Relations Review 97-112 (1991).

A Functional Analysis of "Individual" and "Institutional" Academic Freedom Under the First Amendment, 53 Law and Contemporary Problems 227-301 (1990).

Can American Labor Law Accommodate Collective Bargaining by Professional Employees?, 99 Yale Law Journal 689-757 (1990).

Distinguishing Excluded Managers from Covered Professionals Under the NLRA, 89 Columbia Law Review 1775-1860 (1989).

Does Academic Freedom Limit Faculty Autonomy?, 66 Texas Law Review 1405-1430 (1988).

The Ahistorical Historian: Leonard Levy on Freedom of Expression in Early American History, 37 Stanford Law Review 795-856 (1985).

The Emergence of Modern First Amendment Doctrine, 50 University of Chicago Law Review 1205-1355 (1983).

The First Amendment in Its Forgotten Years, 90 Yale Law Journal 514-95 (1981).

Judicial Review of the University-Student Relationship: Expulsion and Governance, 26 Stanford Law Review 95-129 (1973) (student note).

REVIEW ESSAYS

- Can Academic Freedom Survive Postmodernism? (Review Essay of Menand ed., The Future of Academic Freedom), 86 California Law Review 1377-89 (1998).
- Has the NLRA Hurt Labor? (Review Essay of Tomlins, The State and the Unions), 54 University of Chicago Law Review 407-31 (1987).
- Radical Assumptions About American Labor Law (Review Essay of Atleson, Values and Assumptions in American Labor Law), 84 Columbia Law Review 1118-44 (1984).

ENCYCLOPEDIA ENTRIES

- Gilbert E. Roe, 18 American National Biography 740-41 (Oxford 1999).
- Theodore Schroeder, 19 American National Biography 430-31 (Oxford 1999).
- Bad Tendency Test, in the Oxford Companion to the Supreme Court 54-55 (Oxford 1992).
- Clear and Present Danger Test, in the Oxford Companion to the Supreme Court 158 (Oxford 1992).
- Academic Freedom, in the Encyclopedia of the American Constitution (L. Levy, K. Karst & D. Mahoney eds.) 12-14 (Macmillan 1986).

BOOK REVIEWS

- Alschuler, Law Without Values: The Life, Work, and Legacy of Justice Holmes, 88 Journal of American History, 1118-19 (2001).
- Shiell, Campus Hate Speech on Trial, 86 Journal of American History 338-39 (1999).
- Parker, Purifying America: Women, Cultural Reform, and Pro-Censorship Activism, 1873-1933, 104 American Historical Review 937 (1999).
- Preston, Aliens & Dissenters: Federal Suppression of Radicals, 1903-1933, 37 Labor History 127-28 (Winter 1995-96).
- Gunther, Learned Hand, 82 Journal of American History 300-01 (1995).
- Lewis, Make No Law, 79 Journal of American History 738-39 (1992).
- Kleingartner and Hunt, Academic Unionism in British Universities, 41 Industrial and Labor Relations Review 628-29 (1988).

FELLOWSHIPS

- Whitney Humanities Center, Yale University, Visiting Fellow, 2000-2001
- The Woodrow Wilson International Center for Scholars, Washington, D.C., Fellow, 1994-1995
- National Endowment for the Humanities, Fellowship for University Teachers, 1987-1988
- American Bar Foundation Fellowship in Legal History, 1981-1982
- Project '87 (jointly sponsored by the American Historical Association and the American Political Science Association): four-month fellowship at the Brookings Institution in 1979

SELECTED SCHOLARLY MEETINGS

- 2005 British Legal History Conference. Presented a paper entitled "Legal History and Educational Reform in Nineteenth-Century England and the United States."
- 2005 Participant in Conference on "Free Speech in Wartime" at the National Constitutional Center and Rutgers School of Law—Camden.
- 2003 Annual Meeting of the American Society for Legal History. Presented a paper entitled "The American School of Historical Jurisprudence."
- 1999 Annual Meeting of the American Society for Legal History. Presented a paper entitled "Theories of History and the History of Free Speech."
- 1998 Annual Meeting of the American Society for Legal History. Participant on panel entitled "Rights Talk in Historical Perspective."
- 1998 Annual Meeting of the Association of American Law Schools. Speaker on panel entitled "Legal Historians' Access to Lawyers' Files."
- 1994 Annual Meeting of the National Academy of Arbitrators. Speaker on panel entitled "Professional Employees' Ethical Obligations and Industrial Relations."
- 1992 Annual Meeting of the Association of American Law Schools. Presented a paper entitled "The Free Speech League and the First Amendment Tradition."
- 1991 Annual Meeting of the Law and Society Association. Presented a paper entitled "New Types of Workers, New Forms of Unionism -- Collective Bargaining by Professional and Decision-Making Employees."
- 1988 Eleventh Conference on Critical Legal Studies. Panelist at session entitled "Labor Law and Conceptions of Work."
- 1988 Annual Meeting of the Southwest Social Science Association. Presented a paper entitled "Does Academic Freedom Limit Faculty Autonomy?"
- 1987 Fulbright Colloquium for the Bicentennial of the American Constitution held at the University of Birmingham, U.K. Presented a paper entitled "The Original Meaning of the Free Speech Clause of the First Amendment."
- 1987 Annual Meeting of the Organization of American Historians. Presented a paper entitled "The Free Speech League and the Origins of the ACLU."
- 1985 Annual Meeting of the Law and Society Association. Presented a paper entitled "Collective Bargaining by Professional Employees."
- 1984 Annual Meeting of the Society for Neuroscience. Panelist at Symposium entitled "Military Support of Neuroscience Research."
- 1980 Annual Meeting of the American Historical Association. Commentator at Session entitled "The Historical Origins of the Constitution."

SELECTED LECTURES

- 2000 Rorschach Lecture at Rice University
- 1999 Association of the Bar of the City of New York-Legal History Section
- 1999 Federalist Society National Meeting
- 1999 New York City ACLU
- 1999 Stanford Federalist Society
- 1999 Supreme Court Historical Society
- 1999 Texas ACLU
- 1998 Boston ACLU
- 1998 Cato Institute

1998 National Archives Bill of Rights Lecture
1997 Woodrow Wilson International Center for Scholars
1992 Oliver Wendall Holmes Devise Symposium, Georgetown Law School

OTHER ACTIVITIES

General Counsel, American Association of University Professors, 1998-present
Board of Directors, American Society for Legal History, 1998-2000
Program Chair, American Society for Legal History, 2002 Annual Meeting
Chair, Wesleyan University Alumni Association, 1996-1998