

SELECTED PUBLICATIONS  
PROFESSOR DAVID CRUMP

***[Note: This list of selected publications includes only law review articles and books. It omits scholarship in the form of (1) Newspaper Op-Ed pieces, (2) Continuing Legal Education papers, (3) Speeches, (4) Litigation, (5) Radio Programs and Series, and (6) Television Programs and Series.]***

I. LAW SCHOOL TEACHING BOOKS

1. David Crump, William V. Dorsaneo, III, Rex R. Perschbacher & Debra L. Bassett, Cases & Materials on Civil Procedure (6<sup>th</sup> ed. 2012) (LexisNexis).
2. David Crump, Neil Cohen, Laurie Levenson, John Parry & Penelope Pether, Criminal Law: Cases, Statutes and Lawyering Strategies (3d ed. 2013) (LexisNexis).
3. William V. Dorsaneo III, David Crump, Elaine A. Carlson & Elizabeth G. Thornburg, Texas Civil Procedure: Pretrial Litigation 2009-2010 (LexisNexis).
4. William V. Dorsaneo III, David Crump, Elaine A. Carlson & Elizabeth G. Thornburg, Texas Civil Procedure: Trial & Appellate Practice (2009 Edition) (LexisNexis).
5. David Crump, Eugene Gressman, David S. Day & Charles W. Rhodes, Cases and Materials on Constitutional Law (5<sup>th</sup> ed. 2009) (LexisNexis).
6. David Crump, David Caudill & David Hricik, Property: Cases, Documents and Lawyering Strategies (3d ed. 2013) (LexisNexis).
7. Paul F. Rothstein, Myrna S. Raeder & David Crump, Evidence in a Nutshell (Thomson West 5th ed. 2007).
8. Paul F. Rothstein, Myrna S. Raeder & David Crump, Evidence: Cases, Materials and Problems (4th ed. 2013) (LexisNexis).
9. David Crump, How to Reason About the Law: An Interdisciplinary Approach to the Foundations of Public Policy (2001) (LexisNexis).
10. David Crump & Jeffrey B. Berman, The Story of a Civil Suit: *Dominguez v. Scott's Food Stores* (3d ed. 2001). Supplementary book for teaching first-year Civil Procedure or Torts. Adopted in approximately 50 schools. Past adoptions in Civil Procedure classes include Cornell, University of Minnesota, University of Pennsylvania, etc.
11. David Crump & William J. Mertens, The Story of a Criminal Case: *The State v. Albert Delman Greene* (2d ed. 2001). Supplement for criminal law or criminal procedure courses. Past adoptions include Harvard, NYU, UCLA, Georgetown, and others. Japanese translation published in Japan.

12. David Crump & Jerome J. Curtis, Jr., *The Anatomy of a Real Property Transaction* (1984). Supplementary book for teaching property and land finance courses. Past adoptions include Hastings, Georgetown, University of Virginia, and others.

## II. GENERAL AUDIENCE BOOKS

13. David Crump, *A Miltonic Sonnet about Being Given the Game Ball after a Play in Right Field . . . and 51 Other Modern Poems in Sonnet Form* (iuniverse 2004).
14. David Crump, *A Capital Case in America* (Carolina Academic Press 2000).
15. David Crump, *The Holding Company* (Strawberry Hill Press 1999). Courtroom novel.
16. David Crump, *Conflict of Interest* (Strawberry Hill Press 1997). Courtroom Novel.
17. David Crump, *Murder in Sugar Land* (Quid Pro Books 2013). Courtroom Novel.
18. David Crump, *The Target Defendant* (Quid Pro Books 2014). Courtroom Novel.
18. David Crump & George Jacobs, *Capital Murder* (Texian Press 1977).
19. *The Aeneid: Virgil's Greatest Hits: The Best Parts of the Roman National Epic, in a Fun-to-Read Translation*, by David Crump. Published by Quid Pro Books.

## III. 1985-2012 LAW REVIEW ARTICLES

20. David Crump, *The Original Intent and the Contract Clause*, \_\_\_SMU L. REV. \_\_\_ (2014)(pending).
21. David Crump, *How to Read a Contract Proposal Written by Someone Else, Or Evaluating the Seven Elements of Agreement*, \_\_\_ FLA. ST. U. BUS. REV. \_\_\_ (2013) (pending).
22. David Crump, *Overruling Crawford v. Washington: Why and How*, 88 NOTRE DAME L. REV. \_\_\_ (2012) (pending).
23. David Crump, *Takings by Regulation: How Should Courts Weigh the Balancing Factors?*, 52 SANTA CLARA L. REV. 1 (2012).
24. David Crump, *Desecration: Is It Protected Speech?*, 46 WAKE FOREST L. REV. 1021 (2011).
25. David Crump, *Reconsidering the Felony Murder Rule in Light of Modern Criticisms: Doesn't the Conclusion Depend Upon the Particular Rule at Issue?*, 32 HARVARD J. L. & PUB. POL'Y 1155 (2009).

26. David Crump, *The Dilution Problem and Other Arguments Against Same-Sex Marriage: How Persuasive Are They?*, 9 AVE MARIA L. REV. 221 (2011).
27. David Crump, *What Does Intent Mean?*, 38 HOFSTRA L. REV. 1059 (2010).
28. David Crump, *The Case for Restricting Diversity Jurisdiction: The Undeveloped Arguments, From the Race to the Bottom to the Substitution Effect*, 62 MAINE L. REV. 1 (2010).
29. David Crump, *Ten Necessary Myths of Law School*, 10 J. L. SOC'Y 33 (2009).
30. David Crump & Joan Anderson, *Effects upon Divorce Proceedings When a Spouse Suffers from Borderline Personality Disorder*, 43 FAM. L.Q. 571 (2009).
31. David Crump, *Eyewitness Corroboration Requirements as Protections Against Wrongful Conviction: The Hidden Questions*, 7 OHIO ST. J. CRIM. L. 361 (2009).
32. David Crump, *The Social Psychology of Evil: Can the Law Prevent Groups from Making Good People Go Bad?*, 2008 B.Y.U. L. REV. 1441.
33. David Crump, *Natural Selection, Irreducible Complexity, and the Bacterial Flagellum: A Contrarian Approach to the Intelligent Design Debate*, 36 PEPPERDINE L. REV. 1 (2008).
34. David Crump, *The Case for Selective Abolition of the Rules of Evidence*, 35 HOFSTRA L. REV. 585 (2007).
35. David Crump, *"Murder, Pennsylvania Style": Comparing Traditional American Homicide Law to the Statutes of Model Penal Code Jurisdictions*, 109 WEST VIRGINIA L. REV. 257 (2007).
36. David Crump, *The Narrow Tailoring Issue in the Affirmative Action Cases: Reconsidering the Supreme Court's Approval in Gratz and Grutter of Race-Based Decisionmaking by Individualized Discretion*, 56 FLORIDA L. REV. 1 (2004).
37. Joan S. Anderson & David Crump, *Borderline Personality Disorder: A View from the Trenches, with Special Attention to its Impact on Family Transition*, 10 J. FAM. STUD. 254 (2004).
38. David Crump, *The Trouble with Daubert-Kumho: Reconsidering the Supreme Court's Philosophy of Science*, 68 MISSOURI L. REV. 1 (2003).
39. David Crump, *Against Plain English: The Case for a Functional Approach to Legal Document Preparation*, 33 RUTGERS LAW JOURNAL 713 (2002).
40. David Crump, *Jury Review After Reeves v. Sanderson Plumbing Products, Inc.: A Four-Step Algorithm*, 54 SMU L. REV. 1749 (2001).

41. David Crump, *Game Theory, Legislation, and the Multiple Meanings of Equality*, 38 HARVARD JOURNAL ON LEGISLATION 331 (2001).
42. David Crump, *Evidence, Race, Intent, and Evil: The Paradox of Purposelessness in the Constitutional Racial Discrimination Cases*, 27 HOFSTRA L. REV. 285 (1999).
43. David Crump, *Evidence, Economics and Ethics: What Information Should Jurors Be Given to Determine the Amount of a Punitive Damage Award?*, 57 MD. L. REV. 174 (1998).
44. David Crump, *On the Uses of Irrelevant Evidence*, 34 HOUS. L. REV. 1 (1997).
45. David Crump, *How Do the Courts Really Discover Unenumerated Fundamental Rights?: Cataloguing the Methods of Judicial Alchemy*, 19 HARV. J. L. & PUB. POL'Y 795 (1996).
46. David Crump, *Camouflaged Incitement: Freedom of Speech, Communicative Torts, and the Borderland of the Brandenburg Test*, 29 GA. L. REV. 1 (1994).
47. David Crump, *From Freeman to Brown and Back Again: Principle, Pragmatism and Proximate Cause in the School Desegregation Decisions*, 68 WASH. L. REV. 753 (1993).
48. David Crump, *Evaluating Independent Torts Based Upon "Intentional" or "Negligent" Infliction of Emotional Distress: How Can We Keep the Baby From Dissolving In the Bath Water?*, 42 DEFENSE L. J. 583 (1993). Republication of article originally published in Arizona Law Review, listed below.
49. David Crump, *Child Victim Testimony, Psychological Trauma, and the Confrontation Clause: What Can the Scientific Literature Tell Us?*, 8 ST. JOHN'S JOURNAL OF LEGAL COMMENTARY 83 (1992).
50. David Crump, *Evaluating Independent Torts Based Upon "Intentional" or "Negligent" Infliction of Emotional Distress: How Can We Keep the Baby From Dissolving In the Bath Water?*, 34 ARIZ. L. REV. 439 (1992).
51. David Crump, *Mediation: How to Use It Effectively*, in University of Houston, ADV. CIVIL LITIG. (1992).
52. David Crump, *What Really Happens at the Certification Stage of a Class Action? A Primer for the First-Time Defense Attorney*, reprinted in Anthology compiled by Clark Boardman & Co. (1992).
53. David Crump, *The Twilight Zone of the Erie Doctrine: Is There Really a Different Choice of Equitable Remedies in the "Court a Block Away"?*, 1991 WISCONSIN L. REV. 1233.

54. David Crump, *Defending a Class Action at the Certification Stage*, 38 FEDERAL BAR NEWS & JOURNAL 146 (1991). Republication of article listed below.
55. David Crump, *Peremptory Challenges After McDonough Power Equipment, Inc. v. Greenwood: A Problem of Fairness, Finality, and Falsehood*, 69 OREGON L. REV. 741 (1990).
56. David Crump, *What Really Happens During Class Certification? A Primer for the First-Time Defense Attorney*, 10 REV. OF LITIGATION 1 (1990).
57. David Crump, *How Should We Treat Character Evidence Offered to Prove Conduct?*, 58 U. COLO. L. REV. 279 (1987).
58. Arthur R. Miller & David Crump, *Jurisdiction and Choice of Law in Multistate Class Actions After Phillips Petroleum Co. v. Shutts*, 96 YALE L.J. 1 (1986).
59. David Crump, *How Judges Use Their Law Clerks*, 58 NEW YORK STATE BAR JOURNAL 43 (1986).
60. Neil C. McCabe & David Crump, *The New Doctrine of Fundamental Error: Texas Gets in Step with the Majority*, 23 HOUSTON LAWYER 10 (1986).
61. David Crump, *Economic and Political Effects of Vague Business Regulation: The Lessons of E.I. Du Pont de Nemours & Co. v. FTC*, 38 RUTGERS L. REV. 1 (1985).
62. David Crump, *Natural Gas Price Escalation Clauses: A Legal and Economic Analysis*, 70 MINN. L. REV. 61 (1985).
63. David Crump, *Legal Issues Arising from Efforts in the Courts to Prevent Escalation in Natural Gas Contracts on Public Policy Grounds* (Harvard Energy & Environmental Policy Center Publication, Kennedy School of Government, 1985).
64. David Crump & Susan Waite Crump, *In Defense of the Felony Murder Doctrine*, 8 HARV. J. L. & PUB. POL'Y 359 (1985).
65. David Crump & Susan Waite Crump, *The Year's Developments in Civil Procedure*, 16 TEXAS TECH L. REV. 115 (1985).
66. David Crump, *Law Clerks: Their Roles and Relationships with Their Judges*, 69 JUDICATURE 236 (1985).

#### IV. PREVIOUS LAW REVIEW PUBLICATIONS

Previous publications in the Southern California Law Review, the Southwestern Law Journal, the Kentucky Law Journal, the Houston Law Review, the Houston Journal of International Law, the

South Texas Law Review, the Journal of Law Office Management and Economics, the Texas Bar Journal, the Review of Litigation, and the Texas Law Review.