

**DAVID CRUMP—CURRICULUM VITAE
OR RESUME**

**JOHN B. NEIBEL PROFESSOR OF LAW (FORMER ASSOCIATE DEAN),
UNIVERSITY OF HOUSTON LAW CENTER**

4170 Martin Luther King Blvd.
Houston, Texas 77204-6060
(713) 743-2069 dcrump@uh.edu

ACADEMIC BACKGROUND

HARVARD COLLEGE, A.B. 1966.

UNIVERSITY OF TEXAS, J.D. 1969. Texas Law Review, Projects Editor; first place team, Moot Court Competition.

LAW SCHOOL TEACHING

Professor of Law, University of Houston, 1988-present. Titled as John B. Neibel Chaired Professor of Law.

Professor of Law, South Texas College of Law, 1982-88.

Ass't, Assoc., & Full Professor of Law, University of Houston, 1975-82.

Adjunct Professor, SMU, 1972.

Acting Professor of Law, University of California (Davis), 1970-71.

Voted “Professor of the Year,” 2016, by students.

COURSES TAUGHT

Property, Torts, Civil Procedure, Criminal Law, Evidence, Constitutional Law, Real Estate Transactions, Law and Economics, Law Office Management, Interdisciplinary Reasoning (interdisciplinary legal methods course), Law Practice Strategies (skills-based large course in document preparation, litigation, negotiation, etc.).

EXPERIENCE AS LAWYER

2000-present: litigation and appellate practice. Rated AV-Premiere by Martindale Hubbell (top rating) in Appellate Practice.

Of Counsel, Haynes and Boone, 1992-2000.

Shareholder, Johnson & Gibbs, 1987-92.

Of Counsel, Baker, Brown, Sharman, Wise & Stephens, Houston, 1977-79.

Assistant District Attorney, Harris County (Houston), Texas, 1972-75.

Attorney, Geary, Brice, Barron & Stahl, Dallas, 1970-71.

Law Clerk, Judge Homer Thornberry, United States Court of Appeals for the Fifth Circuit, 1969-70.

ASSOCIATE DEAN FOR EXTERNAL EDUCATION, 1990-2009

(at University of Houston). Activities included fundraising, supervision of distance learning, external event oversight, government relations within these activities, recruitment of adjuncts, supervision of commercial activities, and other functions. Commercial activities in best years earned net income exceeding \$ 1 million per year in unrestricted funds for the law school.*

STATE BAR ASSOCIATION; STATE BAR DIRECTOR

Elected Director of State Bar in my state in contested election determined by over 4,000 lawyers' votes. Chaired subcommittee that created Minimum Continuing Education requirements for state's lawyers. Numerous other bar activities, including chair of Audit Committee, chair of Long Term Goals Committee, and Member of Pattern Jury Charge, Continuing Professional Competence, and Legal Assistants Committees.

Continuing Education: Director or Co-Director of State Bar's Advanced Civil Litigation, Advanced Criminal Law, Advanced Appellate, and Fiduciary Litigation Courses.

PROFESSIONAL PUBLICATIONS

Articles published in journals at Harvard, Yale, and many other universities. Ten (10) law school teaching books in current use, seven of which are casebooks, including national casebooks in Civil Procedure, Property, Criminal Law, Constitutional Law, and Evidence. Casebooks, also, in state civil procedure. Several other law school books (supplementary books). A partial list of my recent publications is attached.

*Title of Associate Dean was added retroactively to 1990 to accurately reflect duties performed at that time.

SELECTED PUBLICATIONS PROFESSOR DAVID CRUMP

I. LAW SCHOOL TEACHING BOOKS (INCLUDING 5 NATIONAL CASEBOOKS)

1. David Crump, David Caudill, and David Hricik, *Cases, Materials, and Lawyering Strategies on Property* (4th ed. Carolina Academic Press 2020).
2. David Crump, Kevin Leske, Keith Rizzardi, William V. Dorsaneo III, Rex R. Perschbacher & Debra L. Bassett, *Cases & Materials on Civil Procedure* (7th ed. 2019) (Carolina).
3. Paul F. Rothstein, Myrna S. Raeder & David Crump, *Evidence: Cases, Materials and Problems* (5th ed. 2019) (Carolina).
4. David Crump, John Parry & Penelope Pether, *Criminal Law: Cases, Statutes and Lawyering Strategies* (5th ed. forthcoming 2020) (Carolina).
5. David Crump, Eugene Gressman, David S. Day & Charles W. Rhodes, *Cases and Materials on Constitutional Law* (6th ed. 2013) (LexisNexis).
6. David Crump, *How to Reason about the Law: An Interdisciplinary Approach to the Foundations of Public Policy* (2001) (LexisNexis); republished as *How to Reason*, 2014 (Quid Pro Books)(used in course on Interdisciplinary Legal Reasoning).
7. William V. Dorsaneo III, David Crump, Elaine A. Carlson & Elizabeth G. Thornburg, *Texas Civil Procedure: Pretrial Litigation 2019-2020* (Carolina).
8. William V. Dorsaneo III, David Crump, Elaine A. Carlson & Elizabeth G. Thornburg, *Texas Civil Procedure: Trial and Appellate Litigation* (2019-2020) (Carolina).
9. David Crump & Jeffrey B. Berman, *The Story of a Civil Suit: Dominguez v. Scott's Food Stores* (3^d 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.

10. 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.

11. David Crump & Jerome J. Curtis, Jr., *The Anatomy of a Real Property Transaction* (2d ed. 2014). Supplementary book for teaching property and land finance courses. Past adoptions include Hastings, Georgetown, University of Virginia, Tulane, and others.

GENERAL-READERSHIP PUBLICATIONS

Eight courtroom-drama novels:

1. *Conflict of Interest: A Novel about Trial Lawyers, Greed, Passion, Power, Revenge . . . and Justice*. Published 1997 (Strawberry Hill Press); (republished, Quid Pro Books 2012).

2. *The Holding Company*. Publication Oct. 1999 (Strawberry Hill Press)(republished, Quid Pro Books 2012).

3. *Murder in Sugar Land* (Quid Pro Books 2012).

4. *The Target Defendant*, 2014 (Quid Pro Books).

5. *Sudden Death Overtime: A Courtroom Drama* (Quid Pro Books 2015).

6. *The Judas Lawyer* (Quid Pro Books 2016)

7. *The Emerald Rose: A Courtroom Drama* (Quid Pro Books 2017).

8. *The Plaintiff's Lawyer* (Quid Pro books 2019).

6. **Nonfiction book** about capital case litigation called *A Capital Case in America* (Carolina Academic Press 1999). Used in several Criminal Justice courses.

7. **Two Poetry books:** *A Miltonic Sonnet about Being Given the Game Ball after a Play in Right Field . . . and 51 Other Sonnets*.

8. *If Kids Could Vote Before They Were Ten* (children's book).

9. **The Aeneid Translation from the Latin** (Quid Pro Books, 2011). Completed a 30-year project with my translation of Virgil's *Aeneid* from the Latin.

III. VERY RECENT OR PENDING PUBLICATIONS IN LAW REVIEWS

1. David Crump, *The Double Fourth Amendment*, ___ DETROIT MERCY L. REV. ___ (pending publication 2022).

2. David Crump, *In Favor of Settlement*, ___ CHARLESTON L. REV. (sent out to reviews).
3. David Crump, *Adjudication by Deadline* (sent out to law reviews).
4. *Originalism: Three Decision Points*, ___ SANTA CLARA L. REV. ___ (2021)
5. David Crump, *Simple and Not-So-Simple Settlements*, ___ THE PRACTICAL LAWYER ___ (2020).
6. David Crump, *Qualified Immunity: Where Do We Go from Here?*, ___ ALBANY L. REV. ___ (2021).

IV. OTHER RECENT LAW REVIEW PUBLICATIONS

1. David Crump, *Revising the Traditional Property Course: Why and How*, 34 PROBATE AND PROPERTY 56 (2020).
2. David Crump, *Why Do We Admit Criminal Confessions into Evidence?* 43 SEATTLE U. L. REV. 71 (2019)
3. David Crump, *Updating the Appendix to the Federal Rules of Civil Procedure: Why Not Provide Official Examples of What Is Sufficient?*, 46 FLA. ST. L. REV. 43 (2019).
4. David Crump, *A Response to the Jury Default Proposal: A Serious Problem, but Is This the Right Solution?* 38 REV. OF LITIG. 239 (2019).
5. David Crump, *Deterrence*, 49 ST. MARY'S L. REV. 317 (2018)
6. David Crump, *Negligent Infliction of Emotional Distress: An Unlimited Claim, but Does It Really Exist?*, 49 TEXAS TECH L. REV. 685 (2017).
7. David Crump, *Litigation Rules, Clausewitz, and the Strategies of War*, 9 ELON L. REV. 1 (2018).
8. David Crump, *Statutes of Limitation: The Underlying Policies*, 54 U. LOUISVILLE L. REV. 437 (2016).

9. David Crump, *Brady v. Maryland, Attorney Discipline, and the Realities of the Disclosure Duty*, 45 HOFSTRA L. REV. 515 (2016).
10. David Crump, *Goodbye, 'Reasonably Calculated,' You're Replaced by 'Proportionality': Deciphering the New Federal Discovery Standard*, 23 GEO. MASON L. REV. 1093 (2016).
11. David Crump, *An Edifice of Misshapen Stones: Interpreting Federal Rule of Evidence 404(a)*, 43 HOFSTRA L. REV. 667 (2015).
12. David Crump, *Should The Commercial Landlord Have a Duty to Mitigate Damages after the Tenant Abandons? A Legal and Economic Analysis*, 49 WAKE FOREST L. REV. 187 (2014).
13. David Crump, *Covenants That Run with the Land: Should the Requirements Be Simplified?* 1 CHARLOTTE PROPERTY L.J. 1 (2014).
14. David Crump, *Should We Have Different Views of Felony Murder, Depending on the Governing Statutes?*, 47 TEXAS TECH L. REV. 113 (2014).
15. David Crump, *The Economic Purpose of the Contract Clause*, 66 SMU L. REV. 687 (2013).
16. David Crump, *a Tale of Two Systems: Professor Loewy and Hate Speech*, 52 TEXAS TECH L. REV. 83 (2019).
17. David Crump, *How to Read a Contract Proposal Written by Someone Else, Or Evaluating the Seven Elements of Agreement*, 12 FLA. ST. U. BUS. L. REV. 109 (2013).
18. David Crump, *Overruling Crawford v. Washington: Why and How*, 88 NOTRE DAME L. REV. 115 (2013).
19. David Crump, *Takings by Regulation: How Should Courts Weigh the Balancing Factors?*, 52 SANTA CLARA L. REV. 1 (2012).
20. David Crump, *Desecration: Is It Protected Speech?*, 46 WAKE FOREST L. REV. 1021 (2011).

21. 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).
22. David Crump, *The Dilution Problem and Other Arguments Against Same-Sex Marriage: How Persuasive Are They?*, 9 AVE MARIA L. REV. 221 (2011).
23. David Crump, *What Does Intent Mean?*, 38 HOFSTRA L. REV. 1059 (2010).
24. 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).
25. David Crump, *Ten Necessary Myths of Law School*, 10 J. L. SOC'Y 33 (2009).
26. David Crump & Joan Anderson, *Effects upon Divorce Proceedings When a Spouse Suffers from Borderline Personality Disorder*, 43 FAM. L.Q. 571 (2009).
27. David Crump, *Eyewitness Corroboration Requirements as Protections against Wrongful Conviction: The Hidden Questions*, 7 OHIO ST. J. CRIM. L. 361 (2009).
28. 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.
29. David Crump, *Natural Selection, Irreducible Complexity, and the Bacterial Flagellum: A Contrarian Approach to the Intelligent Design Debate*, 36 PEPPERDINE L. REV. 1 (2008).
30. David Crump, *The Case for Selective Abolition of the Rules of Evidence*, 35 HOFSTRA L. REV. 585 (2007).
31. 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).
32. 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).

33. 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).
34. David Crump, *The Trouble with Daubert-Kumho: Reconsidering the Supreme Court's Philosophy of Science*, 68 MISSOURI L. REV. 1 (2003).
35. David Crump, *Against Plain English: The Case for a Functional Approach to Legal Document Preparation*, 33 RUTGERS LAW JOURNAL 713 (2002).
36. David Crump, *Jury Review After Reeves v. Sanderson Plumbing Products, Inc.: A Four-Step Algorithm*, 54 SMU L. REV. 1749 (2001).
37. David Crump, *Game Theory, Legislation, and the Multiple Meanings of Equality*, 38 HARVARD JOURNAL ON LEGISLATION 331 (2001).
38. David Crump, *Evidence, Race, Intent, and Evil: The Paradox of Purposelessness in the Constitutional Racial Discrimination Cases*, 27 HOFSTRA L. REV. 285 (1999).
39. 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).
40. David Crump, *On the Uses of Irrelevant Evidence*, 34 HOUS. L. REV. 1 (1997).
41. 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).
42. David Crump, *Camouflaged Incitement: Freedom of Speech, Communicative Torts, and the Borderland of the Brandenburg Test*, 29 GA. L. REV. 1 (1994).
43. 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).
44. 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.

45. 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).

46. 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).

47. David Crump, *Mediation: How to Use It Effectively*, in University of Houston, ADV. CIVIL LITIG. (1992).

48. 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).

49. 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.

50. David Crump, *Defending a Class Action at the Certification Stage*, 38 FEDERAL BAR NEWS & JOURNAL 146 (1991). Republication of article listed below.

51. David Crump, *Peremptory Challenges After McDonough Power Equipment, Inc. v. Greenwood: A Problem of Fairness, Finality, and Falsehood*, 69 OREGON L. REV. 741 (1990).

52. David Crump, *What Really Happens During Class Certification? A Primer for the First-Time Defense Attorney*, 10 REV. OF LITIGATION 1 (1990).

53. David Crump, *How Should We Treat Character Evidence Offered to Prove Conduct?*, 58 U. COLO. L. REV. 279 (1987).

54. 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).

55. David Crump, *How Judges Use Their Law Clerks*, 58 NEW YORK STATE BAR JOURNAL 43 (1986).

56. Neil C. McCabe & David Crump, *The New Doctrine of Fundamental Error: Texas Gets in Step with the Majority*, 23 HOUSTON LAWYER 10 (1986).

57. 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).

58. David Crump, *Natural Gas Price Escalation Clauses: A Legal and Economic Analysis*, 70 MINN. L. REV. 61 (1985).

59. 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).

60. David Crump & Susan Waite Crump, *In Defense of the Felony Murder Doctrine*, 8 HARV. J. L. & PUB. POL'Y 359 (1985).

61. David Crump & Susan Waite Crump, *The Year's Developments in Civil Procedure*, 16 TEXAS TECH L. REV. 115 (1985).

62. 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.

