Curriculum Vitae

CHARLES J. MC CLAIN JR.

Jurisprudence and Social Policy Program
School of Law (Boalt Hall)
University of California at Berkeley
Berkeley, California 94720
510-642-4038
cmcclain@berkeley.edu

Education

Legal: University of California, Hastings College of the Law, J.D., 1974.

Graduate: Columbia University, M.A., History, 1966.
Stanford University, Ph.D., History, 1972.

Undergraduate: Xavier University (Ohio), Honors A.B., 1964.

Professional Experience

Vice Chair, Jurisprudence and Social Policy Program, Lecturer in Residence, School of Law (Boalt Hall), University of California, Berkeley, Berkeley, California, 1977- present.

Attorney, American Association of University Professors (AAUP), Western Regional Office, San Francisco, California, 1974 - 1977.

Faculty, Master of Judicial Studies Program, University of Nevada, Reno, Summers, 1987 - present.

Visiting Lecturer in Law, School of Law, University of Santa Clara, Santa Clara, California, 1980, 1981.

Instructor, History and English, Hampton Institute, Hampton, Virginia, 1966 - 67.

Publications

Books

In Search of Equality: The Chinese Struggle Against Discrimination in Nineteenth-Century America, University of California Press, 1994.

Editor, Asian Americans and the Law: Historical and Contemporary Perspectives, four volume anthology, Garland Publishing Co., 1994.

Articles

"From Ideology to Utopia: Ernst Fischer in Retrospect," 17 JOURNAL OF CONTEMPORARY HISTORY 565 (1977).

"Legal Change and Class Interests: An Essay on Morton Horwitz's The Transformation of American Law," 68 CALIFORNIA LAW REVIEW 382 (1980).

"Legal Scholars and the Quest for Order in the Law of Civil Wrongs," 9 REVIEWS IN AMERICAN HISTORY 15 (1981).

"Reform of the Criminal Law in America: An Historical Perspective," ENCYCLOPEDIA OF CRIME AND JUSTICE, S.H. Kadish, ed., The Free Press (1983).

"The Strange Concept of the Legal Retainer," 8 JOURNAL OF THE LEGAL PROFESSION 123 (1983).

"The Chinese Struggle for Civil Rights in 19th Century America: The First Phase, 1850 - 1870," 72 CALIFORNIA LAW REVIEW 529 (1984).

"The Unusual Case of Baldwin v. Franks," 3 LAW AND HISTORY REVIEW 349 (1985).

"From The Huntington Papers: The Huntington-Conkling Connection," 29 PACIFIC HISTORIAN 31 (1986).

"Of Medicine, Race and American Law: the Bubonic Plague Outbreak of 1900," 13 LAW AND SOCIAL INQUIRY: JOURNAL OF THE AMERICAN BAR FOUNDATION No.3 (1988).

"Chinese Immigration: A Comment on Cloud and Galenson," 27 EXPLORATIONS IN ECONOMIC HISTORY 363 (1990).

"The Chinese Contribution to the Development of American Law," with Laurene McClain, in ENTRY DENIED: EXCLUSION AND THE CHINESE COMMUNITY IN AMERICA, Temple University Press (1991).

"In Re Lee Sing: The First Residential Segregation Case," WESTERN LEGAL HISTORY Vol. 3, No. 2, Summer/Fall, 1990.

"Racial Minorities and the Schools: A Look at the Early Decisions of the California Supreme Court", CALIFORNIA SUPREME COURT HISTORICAL SOCIETY YEARBOOK, v.1, 1994.

"Tortuous Path, Elusive Goal: The Asian Quest for American Citizenship," 2 ASIAN LAW JOURNAL 33 (1995)

"The California Supreme Court, 1940-64: The Gibson Era," CAL. SUPREME COURT HISTORICAL SOCIETY YEARBOOK, v.3, 1996-7

"Asian Immigrants and Constitutional History,", ENCYCLOPEDIA OF THE AMERICAN CONSTITUTION, 2nd ed. (2000)

“The Japanese Wartime Internment Cases,” in *Meiguo Xianzheng Licheng: Yingxiang Meiguo De 25Ge Sifadaan (The Constitutional Experiences: 25 Landmark Cases which Have Changed Modern America*) , ed. By Ren Donglai, 2nd ed., the Chinese Legal Publisher, 2005.pp. 181-187)

"Chief Justice Phil Gibson of California,” in YALE BIOGRAPHICAL DICTIONARY OF AMERICAN LAW (2006)

“Civil Rights and Liberties in the Ratification Debates,” in ENCYCLOPEDIA OF AMERICAN CIVIL LIBERTIES, P. Finkelman, ed., (2006)

Book Review, Jean Pfaelzer, *Driven Out: the Forgotten War Against Chinese Americans,* LAW AND HISTORY REVIEW*,* Vol. 27, No. 3, (Fall, 2009)

“California Carpetbagger: the Career of Henry Dibble,” 28

QUINNIPIAC LAW REVIEW 885 (2010)

“Oscar Shuck’s 1901 *Bench and Bar of California*”: A Review Essay,” v. 5 CALIFORNIA LEGAL HISTORY (2010).

Other Publications

Book Notes, Cesare Lombroso, Crime: Its Causes and Remedies, The Legal Classics Library, 1994.

(With Hang-Sheng Cheng) "Chinese Foreign Trade and Foreign Investment Law," Issue paper No. 11, Issue Paper Series, The 1990 Institute, 1995.

Honors and Awards

Woodrow Wilson Fellowship, 1964-5.

Danforth Foundation Fellowship, 1964-6, 67-9.

German Academic Exchange Foundation Fellowship (DAAD), 1969-70.

American Bar Foundation Fellowship, 1982-3.

National Endowment for the Humanities Fellowship for University Teachers, 1988-89.

Essay Prize, U.S. District Court for the Northern District of California Historical Society, 1988.

Distinguished Research Mentoring Award, University of California, Berkeley, 2003.

Other **Academic Activities**

Instructor, Course on General Aspects of Law, Master of Judicial Studies Program (Continuing Education for State Court Judges), University of Nevada, Reno, Summer, 1987 - 2004.

Instructor, National Endowment for the Humanities Summer Program on the Bicentennial of the Constitution for High School Social Science Teachers, School of Education, U.C. Berkeley, Summer, 1986, 1989.

Consultant on American Studies, Vietnam National University, Hanoi, Vietnam, Feb., 2006.

Public Service

Commissioner, City of Berkeley, Fair Campaign Practices Commission, 1982 - 84.

Board of Directors, San Francisco Neighborhood Legal Assistance Foundation, 1977 - 79.

Board of Directors, The 1990 Institute, 1991 -.

Board of Directors, Women's Faculty Club, U.C. Berkeley, Vice President, 2006 - 2010.

Arbitration Tribunals

Judicial Arbitration Panel, San Francisco Superior Court,

U.S. District Court for the Northern District of California Arbitration Panel.

Admitted to Practice

California Supreme Court.

United States District Court, Northern District of California.

United States Court of Appeals for the Ninth Circuit.