

Curriculum Vitae

**DAN SUBOTNIK**

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**EMPLOYMENT HISTORY**

1984-Present	<b>Professor</b> Touro College, Jacob D. Fuchsberg Law Center
1980-1989	<b>Lecturer in Taxation</b> University of Chicago Graduate School of Business
1981-84	<b>Visiting Associate Professor</b> Seton Hall Law School and University of Santa Clara Law School
1978-81	<b>Instructor, Department of Accounting</b> University of Illinois, Chicago

**EDUCATIONAL BACKGROUND**

B.A., Columbia University, 1963  
M.B.A., Columbia University (in Accounting), 1966  
J.D., Columbia University, 1966

**PROFESSIONAL LICENSES**

New York Bar, 1967; C.P.A., Illinois, 1977

**PUBLICATIONS**

BOOKS

“Toxic Diversity: Race, Gender, and Law Talk in America” (2005) N.Y.U. Press (Reviewed in the Wall Street Journal July 27, 2005).

## GENERAL ARTICLES

“Race and Gender as Job Qualifications,” Academic Questions (Winter 2019)

“Why Not Believe Women in Sexual Assault Cases? An Engagement with Professors Tuerkheimer, Colb, and many Others” 34 Touro Law Review 995 (2018)

“Measuring Sexual Assault on Campus: The Clery Report Challenge” Academic Questions (fall 2018)

“Sexual Assault and the Benefit of the Doubt” Academic Questions (summer 2018).

“The Simple Meaning of Stop Signs: A Response to Professor William Nelson, Touro Law Review (33 TLR 739 (2017).

“A Law Professor Asks: Should I Retire?” TaxProf (August 17, 2017).

“A Faux Sermon on Race and Crime” (a response to Michael Eric Dyson) American Thinker DATE

“Battle over American Carnage” Quillette (2/20/17)

“Assaulting the Facts” Academic Questions (summer 2017) (dealing with sexual assault statistics)

“The Dangers of Racial Thinking” Academic Questions (spring 2017)

“Honest Talk about Race” (Review essay of Professor Derald Wing Sue’s “A Conspiracy of Silence: Understanding and Facilitating Difficult Dialogues on Race,” Academic Questions, (fall 2016) (a publication of the National Association of Scholars)

“How Diversity Training Hurts” 29 Academic Questions (2016)

“A Law Review Editor and a Faculty Author Learn to Speak Plainly” 32 Touro Law Review 441 (2016)

“Plain Talk about Testing and Race: A Reply to Professor Gilmore and a Law School Publication Drama (SSRN: <http://ssrn.com/abstract=2673165>)

“Tyranny of the Meritocracy?: A Disputation over Testing with Professor Lani Guinier” 31 Touro L. Rev. 343 (2015).

“Testing, Discrimination and Opportunity: A Reply to Professor Harvey Gilmore” 13 Seattle Journal of Social Justice 57 (2014).

“Scholarly Incentives, Scholarship, Article Selection Bias, and Investment Strategies for Today’s Law Schools (with Larua Ross) 30 Touro L. Rev. 615 (2014).

“Race Indeed Above All: A Reply to Professors Andrea A. Curcio, Carol Chomsky & Eileen Kaufman 9 UMass L. Rev. 278.(2014).

“Does Testing = Race Discrimination? Ricci, The Bar Exam, the LSAT, and the Challenge to Learning” 8 UMass Law Review 332 (2013)

“Do the Greater Harms of Sexual Harassment and Sexual Assault Justify a Lesser Evidentiary Standard?: A Look at the New Rules for American Colleges and Universities.” Proceedings of the Mujer, Genero y Derecho (Women, Gender and Law) Conference held in Havana Cuba, May 2012

“Peacemaking and Provocation: A Response to Professor Tracey Jean Boisseau” (A reply to Professor Boisseau’s response to the article immediately below)

“The Duke Rape Case Five Year Later: Lessons for the Academy, the Media, and the Criminal Justice System” (45 Akron Law Review 2012)

“Do Law Schools Mistreat Women Faculty?” Akron Law Review (spring 2011)

“Are Law Schools Racist—Part II” 43 University of San Francisco Law Review (spring 2009)

“Are Law Schools Racist?: A ‘Talk’ with Richard Delgado” 43 University of San Francisco Law Review 227 fall 2008 (lead article for symposium)

“*Copulemus in Pace*, or an Introduction to Rape, Affirmative Consent to Rape, and Sexual Autonomy,” University of Akron Law Review, spring 2008 (introductory article for symposium issue)

“‘Hands Off’: Sex, Feminism, Affirmative Consent and The Law of Foreplay” 16 Southern Cal. Rev. of Law and Social Justice 149 (2007)

“The Cult of Hostile Gender Climate: A Male Voice Preaches Diversity to the Choir” 8 Univ. of Chi. Law School Roundtable 37 (2001)

“Goodbye to the SAT/LSAT? Hello to Equity by Lottery?” “Evaluating Lani Guinier’s Plan for Ending Race Consciousness” (with Glen Lazar) Howard Law Journal Winter, 2000

“Deconstructing the Rejection Letter, A Look at Elitism in Article Selection,” Journal of Legal Education (December, 1999)

“Critical Race Theory – The Last Voyage,” Touro Law Review Winter, 1999

“The Joke in Critical Race Theory” Touro Law Review, Fall, 1998

“What’s Wrong with Critical Race Theory? Reopening the Case for Middle-Class Values,” Cornell Journal of Law and Public Policy, Spring, 1998

“What’s Wrong with Faculty-Student Sex? A Response” Journal of Legal Education, September, 1997

“*Sue Me, Sue Me, What Can You Do Me? I Love You: A Disquisition on Law, Sex and Talk*,” Florida Law Review, July, 1995 (printed 1997)

“Riding the Waves with the Wall Street Journal” Monthly

Review, December, 1985

## TAX

“The Forest and the Trees—An Argument for Training Students in Tax Return Preparation,” The Law Teacher March, 2011

“On Constructively Realizing Constructive Realization: Building a Case for Death and Taxes,” University of Kansas Law Review, Fall, 1989

“The Marriage Tax Revisited: An Analysis of the Tax Consequences of Marriage,” West Virginia Law Review. Summer, 1988

“Easing the Pain of Modern Home Economics”  
Tax Notes, Jan. 20, 1986

“On Bequeathing Unused Unified Credits to a Spouse,” Tax Notes October 1, 1990

“Equity for the Compliers: On Eliminating--or Extending--the Two-percent Rule,” Tax Notes, August 10, 1992

## ACCOUNTING

“Knowledge Preservation in Accounting: Does it Deserve to be Preserved?” Abacus, March, 1991

“What Accounting Can Learn from Legal Education”, Issues in Accounting Education, Fall 1987. Reprinted in “Essays on Changing Accounting Education” (1994)

“Wisdom or Widgets: Whither the School of ‘Business’?” Abacus, Fall, 1988; “Wisdom or Widgets: Whither the Academic Enterprise?” Thought and Action, March, 1988

“Truth on Truism, What Do Accounting Researchers Want?” Advances in Public Interest Accounting (1993)

## **COURSES TAUGHT**

In Law School:

Taxation of Individuals, Taxation of Corporations, Business Associations, Estate and Gift Taxation, Estate

Planning, Accounting for Lawyers, Trusts and Estates,  
Taxation of Transnational Income, Contemporary issues in  
Race and Gender.

In Business School:

Elementary Accounting, Intermediate Accounting, Cost,  
accounting, Advanced Accounting and Special Topics.  
Individual and Corporate Income Tax

## **BLOGPOSTS:**

“Fear of Hugging:” Inside Higher Education, October 25,  
2019

“Policing Grammar and Diction in the Multicultural Law  
School Classroom” (TaxProf January 30, 2019

“A Faux Sermon on Race and Crime” (American Thinker  
June 18, 2017)

“Seeing Race on the Bar Exam” (Education Law Prof  
Blog ( May 15, 2017)

“The Battle over American ‘Carnage, ’” (Quillette February  
21, 2017)

“The Place of Race in Air Traffic Control” (American  
Thinker October 30, 2016)

“‘Redefining Rape’? Let’s Hope Not” (CrimProf  
10/20/2016)

“Sharing the Blame/Credit for the 1994 Crime Bill”  
(Heterodox Academy, May 22, 2016);

“Are We Too Worried about Trigger Warnings  
in Teaching Sexual Assault?” (CrimProf Blog, January 22,  
2016)

“Tenure Should not be Endless,” (Pope Center 2015)

“An Anti-Rape Measure Too Far—in California no Less?”  
(Sex and the State, August 28, 2014)

**SPEAKING  
ENGAGEMENTS**

One or another of the following topics:

“Learning to talk about Race”; “Racism in law schools”;  
Are law schools sexist?”; “Considering rape reform”:  
“What business schools can learn from law schools”

University of San Francisco  
Brigham Young  
Golden Gate  
University of Pittsburgh  
Louisiana State  
University of Mississippi  
Willamette  
Pontifical Catholic University of Puerto Rico  
University of Arkansas at Little Rock  
Florida Coastal  
American Accounting Association  
Law and Society Association  
Manhattan Institute  
Roger Williams  
SUNY Buffalo  
New England Law School  
University of California at Berkeley  
Nova  
Stetson  
St. Thomas (Florida)  
University of Miami  
Albany Law School  
New York University  
Institute of Ideas (London)  
University of Oregon  
Grassroot Institute of Hawaii  
University of Hawaii  
Ohio State University  
Florida A & M  
University of Florida

Cleveland-Marshall  
University of Phoenix  
University of Arizona  
Northwestern  
Chicago-Kent  
University of Montana  
University of Idaho  
Tulane  
George Washington  
University of North Carolina  
Netanya Law School