

**DAVID HORTON**

400 Mrak Hall Drive

Davis, CA 95616

dohorton@ucdavis.edu; (510) 332-3547

---

**ACADEMIC POSITIONS**

University of California, Davis, School of Law (King Hall)

Professor of Law, 2014 – Present

Acting Professor of Law, 2012 – 2014

*Honors:* UC Davis Chancellor's Fellow (2017-2022); Winner, Association of American Law Schools' Scholarly Paper Competition (2015); Distinguished Teaching Award (Winner, 2015, Nominee 2014, 2016, 2017); Winner, Mangano Dispute Resolution Advancement Award (2017); Faculty Commencement Speaker (Classes of 2014, 2016).

*Courses:* Contracts; Federal Arbitration Act Seminar; Trusts, Wills, and Estates

*Service:* Appointments Committee (Chair, 2015-16, 2016-17; Member 2013-14); Admissions Committee (2014-15; 2012-13); Educational Policy Committee (2012-13); Campus Judicial Board (2012-15); Undergraduate Awards and Scholarships (2015-2017).

Loyola Law School (Los Angeles)

Associate Professor of Law (untenured), 2009 – 2012

*Courses:* Contracts; Adhesion Contracts Seminar; Trusts, Wills, and Estates

*Service:* Appointments Committee (2011-12); Teaching Excellence (2010-12); Research and Sabbaticals (2009-12)

University of California, Berkeley, School of Law

Lecturer in Residence, 2007 – 2009

*Courses:* Legal Research and Writing; Written and Oral Advocacy

---

**PUBLICATIONS**

*Arbitration About Arbitration*, 70 STAN. L. REV. -- (forthcoming 2018).

*Partial Harmless Error for Wills: Evidence from California*, 104 IOWA L. REV. -- (forthcoming 2018) (invited symposium contribution).

*Borrowing in the Shadow of Death: Another Look at Probate Lending*, 59 WM. & MARY L. REV. -- (forthcoming 2018).

*Boilerplate and Default Rules in Wills Law: An Empirical Analysis*, 103 IOWA L. REV. -- (forthcoming 2018) (with Reid Kress Weisbord).

*Tomorrow's Inheritance: The Frontiers of Estate Planning Formalism*, 58 B.C. L. REV. 539 (2017).

*Probate Lending*, 126 YALE L.J. 102 (2016) (with Andrea Cann Chandrasekher).

- Reviewed by Sergio Pareja, *The Lucrative Business of Lending Against an Expected Inheritance*, JOTWELL (Apr. 13, 2017), <http://trustest.jotwell.com/the-lucrative-business-of-lending-against-an-expected-inheritance/>.

*Donative Trusts and the Federal Arbitration Act*, in *ARBITRATION OF INTERNAL TRUST DISPUTES: ISSUES IN NATIONAL AND INTERNATIONAL LAW* (Oxford University Press 2016).

*The Limits of Testamentary Arbitration*, 58 FLA. L. REV. FORUM 12 (2016) (invited reply).

*Employment Arbitration after the Revolution*, 65 DEPAUL L. REV. 457 (2016) (with Andrea Cann Chandrasekher) (invited symposium contribution).

*After the Revolution: An Empirical Study of Consumer Arbitration*, 104 GEO. L.J. 57 (2015) (with Andrea Cann Chandrasekher).

- Selected for the 2015 Conference on Empirical Legal Studies.
- Winner, Mangano Dispute Resolution Advancement Award (2017).

*Wills Law on the Ground*, 62 UCLA L. REV. 1094 (2015).

- Reviewed by Kerry Ryan, *Law on the Books Meets Law in Action*, JOTWELL (Apr. 7, 2015), <http://trustest.jotwell.com/law-on-the-books-meets-law-in-action/>.

*In Partial Defense of Probate: Evidence From Alameda County, California*, 103 GEO. L.J. 605 (2015).

- Winner, Association of American Law Schools' Scholarly Paper Competition.

*Contractual Indescendibility*, 66 HASTINGS L.J. 1047 (2015) (invited symposium contribution).

*The Stored Communications Act and Digital Assets*, 67 VAND. L. REV. 1729 (2014) (invited symposium contribution).

*Indescendibility*, 102 CALIF. L. REV. 543 (2014).

- Reviewed by Alexander Boni-Saenz, *Descendibility: The Neglected Stick in the Bundle*, JOTWELL (Sept. 22, 2014), <http://trustest.jotwell.com/descendibility-the-neglected-stick-in-the-bundle/>.

*Mass Arbitration and Democratic Legitimacy*, 85 U. COLO. L. REV. 459 (2014) (book review of MARGARET JANE RADIN, *BOILERPLATE: THE FINE PRINT, VANISHING RIGHTS, AND THE RULE OF LAW* (Princeton University Press 2013)).

*Federal Arbitration Act Preemption, Purposivism, and State Public Policy*, 101 GEO. L.J. 1217 (2013).

*Testation and Speech*, 101 GEO. L.J. 61 (2012).

- Reviewed by Anne Marie-Rhodes, *To Praise a Testator's Speech*, JOTWELL (Sept. 30, 2013), <http://trustest.jotwell.com/2013/09/>.

*The Federal Arbitration Act and Testamentary Instruments*, 90 N.C. L. REV. 1027 (2012).

*Arbitration and Inalienability: A Critique of the Vindication of Rights Doctrine*, 60 U. KAN. L. REV. 723 (2012) (invited symposium contribution).

*Unconscionability Wars*, 106 NW. U. L. REV. 387 (2012) (originally published at 106 NW. U. L. REV. COLLOQUY 13 (2011)).

*Arbitration as Delegation*, 86 N.Y.U. L. REV. 437 (2011).

*The Mandatory Core of Section 4 of the Federal Arbitration Act*, 96 VA. L. REV. IN BRIEF 1 (2010).

*The Shadow Terms: Contract Procedure and Unilateral Amendments*, 57 UCLA L. REV. 605 (2010).

*Unconscionability in the Law of Trusts*, 84 NOTRE DAME L. REV. 1675 (2009).

*Flipping the Script: Contra Proferentem and Standard Form Contracts*, 80 U. COLO. L. REV. 431 (2009).

*The Uneasy Case for California's Care Custodian Statute*, 12 CHAP. U. L. REV. 47 (2008).

*Extreme Sports and Assumption of Risk: A Blueprint*, 38 U.S.F. L. REV. 599 (2004).

Comment, *Rethinking Assumption of Risk and Sports Spectators*, 51 UCLA L. REV. 339 (2003).

---

#### **AMICUS BRIEFS**

Author, Brief of Amicus Curiae Fifty-One Law Professors in Support of Plaintiff/Appellee, *Meyer v. Kalanick*, Nos. 16-2752, 16-2750, 2016 WL 7157290 (2d. Cir. Dec. 6, 2016) (with Nancy Kim).

Author, Brief of California Law Professors in Support of Respondent, *DIRECTV v. Imburgia*, No. 14-462 (U.S. July 24, 2015), 2015 WL 4698387.

Author, Brief of Law Professors on Rehearing *En Banc* in Support of Plaintiffs-Appellants, *Kilgore v. KeyBank Nat'l Assoc.*, No. 09-16703 (9th Cir. Oct 12, 2012), 2012 WL 5196969 (*en banc*) (with Hiro N. Aragaki).

Author, Brief of Contracts Professors in Support of Respondent, *AT&T Mobility LLC v. Concepcion*, No. 09-893 (U.S. Oct. 6, 2010), 2010 WL 3973891.

---

#### **EDUCATION**

UCLA School of Law, J.D., 2004  
Order of the Coif

Chief Articles Editor, *UCLA Law Review*

Carleton College, B.A., *cum laude*, in American Studies, 1997

---

**SELECTED CONFERENCES AND PRESENTATIONS**

Presenter, *Partial Harmless Error for Wills: Evidence from California*, University of Iowa College of Law, *Iowa Law Review* and the American College of Trusts and Estates Counsel's Wealth Transfer Law in Comparative & International Perspective, September 2017.

Presenter, *After the Revolution: An Empirical Study of Consumer Arbitration*, St. John's Law School, Mangano Dispute Resolution Advancement Award Acceptance Ceremony, March 2017.

Presenter, *Probate Lending*, Trusts and Estates Program, Association of American Law Schools Annual Conference, January 2017.

Presenter, *Probate Lending*, Commercial and Related Consumer Law and Contracts Joint Program, Association of American Law Schools Annual Conference, January 2017.

Presenter, *Probate Lending*, Yale Law School, *Yale Law Journal* Reading Group, November 2016.

Presenter, *Probate Lending*, Tulane Law School Faculty Workshop Series, February 2016.

Presenter, *After the Revolution: An Empirical Study of Consumer Arbitration*, 10th Annual Conference on Empirical Legal Studies, Washington University School of Law (St. Louis), October 2015.

Presenter, *Employment Arbitration After the Revolution*, 21st Annual Clifford Symposium on Tort Law and Social Policy, DePaul Law School, April 2015.

Presenter, *In Partial Defense of Probate: Evidence from Alameda County, California*, Golden Gate Law School LLM Tax Program, March 2015.

Presenter, *In Partial Defense of Probate: Evidence from Alameda County, California*, Association of American Law Schools 2015 Scholarly Paper Competition, January 2015.

Presenter, *Contractual Indescendibility*, *Hastings Law Journal* Symposium in Honor of Charles L. Knapp, October 2014.

Presenter, *The Stored Communications Act and Digital Assets*, *Vanderbilt Law Review* and the American College of Trusts and Estates Counsel's Symposium on the Role of Federal Law in Private Wealth Transfer, February 2014.

Presenter, Arbitration and Access to Justice, United States District Court for the Eastern District of California Conference, October 2013.

Panel Member, Arbitration of Internal Trust Disputes, Southeastern Association of Law Schools Conference, August 2013.

Presenter, *Mass Contracting and Democratic Legitimacy*, Eighth Annual Contracts Conference, Texas Wesleyan School of Law, February 2013.

Presenter, *Testation and Speech*, University of San Francisco Faculty Workshop Series, February 2013.

Presenter, *Arbitration and Inalienability: A Critique of the Vindication of Rights Doctrine*, Seventh Annual Contracts Conference, Thomas Jefferson School of Law, March 2012.

Panel Member, *Hastings Business Law Journal* Symposium on *AT&T v. Concepcion*, February 2012.

Presenter, *Testation and Speech*, PrawfsFest Conference, December 2011.

Presenter, *Arbitration and Inalienability: A Critique of the Vindication of Rights Doctrine*, *Kansas Law Review* Symposium on Current Perspectives on Arbitration Law, November 2011.

Presenter, *Testation and Speech*, Southeastern Association of Law Schools Conference, July 2010.

Presenter, *Testation and Speech*, Arizona State Junior Faculty Conference, March 2010.

Moderator, Insurance Law Panel, Sixth Annual Contracts Conference, UNLV William Boyd Law School, February 2010.

---

#### **MISCELLANEOUS**

Academic Fellow, American College of Trusts and Estates (“ACTEC”).

Selected Media Quotations: *New York Times*, *Wall Street Journal*, *Los Angeles Times*, ABC World News, Sacramento 10 News, *The ABA Journal*.

Blogging: Consumer Law and Policy Blog, June 2015; SCOTUSblog Arbitration Symposium, September 2011; Contracts Profs Blog, April 2010 and November 2012; Prawfsblawg, November 2010.

Peer Reviewer: *Yale Law Journal*; *University of Chicago Law Review*; *Stanford Journal of Complex Litigation*; Netherlands Organization for Scientific Research; Association of American Law Schools’ Scholarly Paper Competition (2016).

Expert Reviewer, National Conference of Bar Examiners, Multistate Essay Exam, Trusts Question (2015, 2016).

Bar Admission: California.

---

**LEGAL EXPERIENCE**

Horton & Roberts, LLP, Oakland, CA  
Associate, 2006 – 2007

The Honorable Ronald M. Whyte, United States District Court  
for the Northern District of California, San Jose, CA  
Law Clerk, 2005 – 2006

Morrison & Foerster, LLP, San Francisco, CA  
Associate, 2004 – 2005

The Honorable Ming W. Chin, The California Supreme Court, San Francisco, CA  
Extern, Summer 2002