

## **TOMIKO BROWN-NAGIN**

T. MUNFORD BOYD PROFESSOR OF LAW  
JUSTICE THURGOOD MARSHALL DISTINGUISHED PROFESSOR OF LAW  
PROFESSOR OF HISTORY  
UNIVERSITY OF VIRGINIA  
580 MASSIE ROAD  
CHARLOTTESVILLE, VA 22903  
(434) 243-2166  
[TB3U@VIRGINIA.EDU](mailto:TB3U@VIRGINIA.EDU)

---

### **ACADEMIC APPOINTMENTS**

**F. Palmer Weber Research Professor of Law, University of Virginia, 2006-2009**

**Professor of Law, University of Virginia, 2006-present**

**Professor of History, University of Virginia, 2006-present**

**Co-Director, University of Virginia Legal History Colloquium, 2008-present**

**Courses:** Constitutional Law; Education Law & Policy; U.S. Legal & Social History; Ethics in Public Interest Lawyering

**Seminars/Short Courses:** Current Issues in U.S. Constitutional Law; Public Law Remedies; U.S. Social and Legal History; Lawyers & the Civil Rights Movement

**Committees:** Lateral Appointments; Law and History; Law and Public Service; Center for the Study of Race and Law

**Visiting Professor, University of Munster, Germany, July, 2011**

**Charles Warren Visiting Professor of American Legal History, Harvard Law School, Fall 2008**

**Visiting Associate Professor, University of Virginia School of Law, 2004-2005**

**Associate Professor of Law and Associate Professor of History, Washington University in St. Louis, 2003-2006**

**Samuel I. Golieb Fellow in Legal History, New York University School of Law, 2000-2001**

**Charles Hamilton Houston Fellow, Harvard Law School, 1999-2000**

## EDUCATION

### **DUKE UNIVERSITY**                      **Ph.D. 2002**

Fields: U.S. Social, Political, and Legal History  
Duke Endowment Fellow, 1992-96  
Spencer Foundation Dissertation Fellow, 1999-2000

### **YALE LAW SCHOOL**                      **J.D. 1997**

*Editor, Yale Law Journal*  
Research Assistant, Professor Reva Siegel

### **DUKE UNIVERSITY**                      **M.A. 1993**

Fields: U.S. Political and Social History

### **FURMAN UNIVERSITY**                      **B.A. (History), *summa cum laude*, 1992**

Phi Beta Kappa  
Harry S Truman Scholarship (awarded by U.S. Congress, 1991)  
Donald-Watkins Medal for General Excellence in a Graduating Senior  
Margaret Watson Award for Best Undergraduate Thesis in History  
Daughters of the American Revolution Scholarship Cup in History

## SELECTED PUBLICATIONS

### BOOKS

*Courage to Dissent: Atlanta and the Long History of the Civil Rights Movement*  
(Oxford University Press, 2011)

*"The Only Woman in the Courtroom": Constance Baker Motley and Twentieth-Century Struggles for Equality* (work in progress)

### MAJOR ARTICLES

Elites, Social Movements, and the Law: The Case of Affirmative Action, 105  
COLUMBIA L. REV. 1436 (June 2005)

Race as Identity Caricature: A Local Legal History Lesson in the Salience of  
Intra-Racial Conflict, 151 U. PENN. LAW REV. 1913 (2003)

Toward a Pragmatic Understanding of Status Consciousness: The  
Case of Deregulated Education, 50 DUKE LAW JOURNAL 753 (2000)

The Transformation of a Social Movement into Law?: The NAACP's and SCLC's Civil Rights Campaign Reconsidered In Light of the Educational Activism of Septima P. Clark, 8 WOMEN'S HISTORY REVIEW 81 (1999)

#### BOOK CHAPTERS

"Rethinking Accommodationism," in *South Meets North: Creating A New Narrative of the Civil Rights Movement* (Aldon Morris, Martha Biondi & Thomas Sugrue, eds) (work in progress)

"Judging for Dystopia: Judge Constance Baker Motley and the Clash of Idealism and Realism," (forthcoming, *Law and the Utopian Imagination*, Austin Sarat, ed., Stanford University Press, 2012) (work in progress)

"The Long, Broad, and Deep Civil Rights Movement: A Tribute to William Nelson" (essay, forthcoming, *Tribute to Nelson*, New York University Press, 2012)

*Missouri v. Jenkins: Why District Courts and Local Politics Matter*, in CIVIL RIGHTS STORIES (Foundation Press, 2007)

The Impact of Lawyer-Client Disengagement on the NAACP Legal Defense Fund's Campaign to Implement *Brown v. Board of Education*, in FROM THE GRASSROOTS TO THE SUPREME COURT (DUKE UNIVERSITY PRESS, 2004)

#### INVITED ESSAYS

"One of These Things Does Not Belong": Intellectual Property and Collective Action Across Boundaries," 118 YALE L.J. POCKET PART TK (2008), <http://thepocketpart.org/2008/TK/TK/brown-nagin.html>.

The Transformative Racial Politics of Justice Clarence Thomas?: The *Grutter v. Bollinger* Opinion, 7 UNIV. OF PA. J. OF CONST. LAW 787 (Feb. 2005)

An Historical Note on Stigma as a Rationale for a Civil Rights Landmark, 48 ST.L.U. L.J. 991 (2004)(Childress Symposium)

#### INVITED BOOK REVIEWS

"Hollow Tropes: Fresh Perspectives on Courts, Politics, and Inequality," in BOOK REVIEW EDITION, 45 TULSA LAW REVIEW 101 ( 2011)(SANFORD LEVINSON & MARK GRABER, GUEST EDITORS)(Review of Martha Minow, *In Brown's Wake* (Oxford, 2010); Frymer, *Black and Blue: African Americans, the Labor Movement, and the Decline of the Democratic Party* (Princeton, 2007); and Julie Novkov, *Racial Union* (Michigan, 2008)

Review, Thomas Jackson, *From Civil Rights to Human Rights, Martin Luther King, Jr., and the Struggle for Economic Justice* (Pennsylvania, 2007); Felicia Kornbluh, *The Battle for Welfare Rights, Politics and Poverty in Modern America* (Pennsylvania, 2007); Kris Shepard, *Rationing Justice: Poverty Lawyers and*

*Poor People in the Deep South* (Louisiana State, 2007), in J. SOUTHERN HIST., Nov. 2008

#### INVITED ENCYCLOPEDIA ENTRIES

“Hon. Robert L. Carter,” in YALE BIOGRAPHICAL DICTIONARY OF AMERICAN LAW (YALE UNIV. PRESS, 2009)

“Elementary and Secondary Education Act of 1965” in MAJOR ACTS OF CONGRESS (MACMILLAN REFERENCE USA, November 2003)

#### SCHOLARLY PRESENTATIONS

Hutchins Lecture, University of North Carolina, March 2012 (scheduled)

Commentator, *Law in American History*, Vol. 1 by G. Edward White, University of Virginia, Feb. 2012 (scheduled)

Keynote Address, University of Iowa College of Law, Martin Luther King Jr. Day Observance, Jan. 2012 (scheduled)

Keynote Address, Grinnell College, Martin Luther King Jr. Day Observance, Jan. 2012 (scheduled)

Commentator, Book Panel, Reasoning from Race by Serena Mayeri, University of Pennsylvania School of Law, Dec. 2011

Author Meets Reader, *Courage to Dissent*, American Society for Legal History Annual Meeting, Nov., 2011

Featured Speaker, “Ethel Mae Mathews and Women’s Wars on Poverty,” Decatur Book Festival, Sept., 2011

Presentation, “Shifting Perspectives on Educational Equality in the Long Civil Rights Movement,” D.C. Court of Appeals, June 24, 2011

Summer Institute Presenter, *Bush v. Orleans Parish School Board*, “Federal Trials and Great Debates in United States History, Federal Judicial Center, Washington, D.C., June, 2011

Panelist, Association of American Law Schools, Mid-Year Workshop, “Women Rethinking Equality,” Washington, D.C., June, 2011

Presenter, U.S. Supreme Court Review, Annual Judicial Conference of the Virginia Supreme Court, Virginia Court of Appeals, and Virginia Courts of General Jurisdiction, May, 2011

Keynote Address, “Rethinking Accommodationism,” University of Virginia School of Law Alumni Weekend, April 29, 2011, available at <http://www.youtube.com/watch?v=FoOYsBRcViw>

Panelist, “South Meets North: Creating A New Narrative of the Civil Rights Movement,” Northwestern University, Evanston, Illinois, May, 2011

Presenter, Law and Politics Workshop, Washington University, St. Louis, April, 2011

*Courage to Dissent* Book Lecture, Furman University, Apr., 2011

*Courage to Dissent* Book Lecture, Smithsonian American Art Museum, National Portrait Gallery, Washington, D.C., Mar., 2011

*Courage to Dissent* Book Talk, Virginia Festival of the Book, "Civil Rights, Women's Rights, Human Rights" Panel, Charlottesville, VA, Mar., 2011

Book Review Panel, University of Virginia School of Law, Mar., 2011 (with readers Risa Goluboff, Ken Mack, and Anthony Alfieri)

*Courage to Dissent* Book Talk, Washington and Lee School of Law, March, 2011

"Saturday Series" Lecture on *Courage to Dissent*, Atlanta History Center, Feb., 2011

Buck Franklin Lecture, "Movement Lawyers, Courts, and Social Change," University of Tulsa College of Law, Feb., 2011

Presenter, "Courage to Dissent," University of Minnesota Law School, Legal History Workshop, Dec. 2010

Panelist, "Lost Intersections: Labor, Civil Rights, and Feminism in Twentieth-Century U.S. Legal Advocacy," American Society for Legal History, Annual Conference, Philadelphia, PA, Nov., 2010. Presented paper entitled "The Only Woman in the Courtroom": Constance Baker Motley and Twentieth-Century Struggles for Equality

Panelist, "Tackling Racial and Income-Based Inequalities in Education: From National to Local Perspectives," Child Advocacy Research & Education Event, University of Virginia, Nov., 2010 (with Councilwoman Kristen Szakos), available at [http://ne.edgecastcdn.net/000184/podcast/1011/10\\_11\\_10\\_ed\\_reform.mp3](http://ne.edgecastcdn.net/000184/podcast/1011/10_11_10_ed_reform.mp3)

Keynote Address, "Some Realism about Legalism in Education Law: Lessons from History," Human Rights in Education Conference, University of Virginia Law School, October, 2010

Panelist, "Writing the Legal History of Race," Making Legal History: A Conference in Honor of William E. Nelson, New York University School of Law, May, 2010

Panelist, "Stories, Narratives, and Citizenship: Race With History," From Slavery to Freedom to the White House: A Conference in Honor of John Hope Franklin, Duke University School of Law, Apr., 2010 (with Ken Mack, Matthew Countryman, and Jonathan Holloway)

Moderator, "Charter Schools: The Future of Public Education?" University of Virginia Law School, Public Service and the Law Conference, Feb., 2010

Panelist, "Student Activists as Law Makers," Fifty Years After the Sit-Ins Conference, University of Virginia School of Law, Jan., 2010

Keynote Address, "Active Diversity," Asian Pacific Islander/Black Law Students Association Kick-off Lecture, University of Virginia, Sept., 2009, available at <http://ne.edgecastcdn.net/000184/podcast/0910/whydiversity0909.mp3>

Moderator, "Identity and Social Change in U.S. History," The Law and Society Association Annual Meeting, Denver, Colorado, May, 2009

Panelist, "The Dream Fulfilled?" University of Virginia Black Alumni Weekend, Apr., 2009 (with Julian Bond and Tim Lovelace)

James H. Thomas Lecture, "Re-Envisioning the Civil Rights Movement: Courts, Communities, and Legal Liberalism," Yale Law School, Nov., 2008, available at <http://cs.law.yale.edu/blogs/podcasts/archive/tags/public+interest+law/default.aspx>

Harvest Lecture, "Uncovering the Grassroots, Re-imagining the Legal History of the Civil Rights Movement," Vanderbilt University School of Law, Oct., 2008

Presenter, "Courage to Dissent," Ch. 5, Harvard Law School, Faculty Workshop, Nov., 2008

Commentator, "Meet the Author" Roundtable, Risa Goluboff, *The Lost Promise of Civil Rights*, The Law and Society Association Annual Meeting, Montreal, Quebec, Canada, June, 2008

Panelist, "The Roberts Court and Equal Protection," AALS Conference on Constitutional Law, June, 2008, Cleveland, Ohio

Commentator, Risa Goluboff, *Lost Promise of Civil Rights*, Book Review Panel, University of Virginia School of Law, May, 2008

Presenter, "Legal Dead Ends and the Case for the Civil Rights Act of 1964," University of Pennsylvania School of Law, Faculty Workshop, Mar., 2008

Presenter, "The Marriage of Civil Rights Lawyers and Demonstrators, 1961-1964," American University School of Law, Faculty Workshop, Mar., 2008

Keynote Address, African American History Month Celebration, Longwood University, Feb., 2008

Panelist, "New Voices in Legal History," Section on Legal History, AALS Annual Meeting, New York, New York, Jan., 2008 (with Ken Mack, Risa Goluboff, Claire Priest and Dan Hamilton)

Moderator, "De Facto Segregation: Regional Fallacies, Racial Myths, Historical Practices," American Historical Association, Annual Meeting, Washington, D.C., Jan., 2008

Panelist, "The Craft of Legal History Seminar: Friends of the Court: History Meets Law," American Society for Legal History, Annual Conference, Tempe, Arizona, Oct., 2007 (with Bruce Mann, James Oldham, and Deborah Dinner)

Presenter, "Pragmatic Civil Rights," Harvard Law School, Legal History Colloquium, Oct. 2007

Panelist, "Marching Toward Justice: Legal Aid and the Civil Rights Movement, 1967-2007," Charlottesville, Virginia, Oct. 2007 (with John Grisham, Morris Dees and Alex Gulotta)

Panelist, "Education Reform in the Post-Race Era," National School Boards Association Annual Meeting, San Francisco, CA, Apr., 2007

Invited Speaker, "What *Grutter* Tells Us about Justice Thomas's Race Jurisprudence," University of Virginia School of Law, Center on Race and the Law, Apr. 2007

Presenter, "A Volatile Alliance: The Marriage of Lawyers and Demonstrators, 1961-1964," Emory Law School Faculty Workshop, Mar., 2007

Presenter, "Seeking Redress in the Streets: The Student Movement's Challenge to Pragmatism and Liberalism," Fordham Law School Faculty Workshop, Feb., 2007

Panelist, "Affirmative Action in K-12 Education," University of Virginia Law School, Public Service Conference, Feb., 2007

Moderator, "Federally Funded Vouchers After Hurricane Katrina," University of Virginia Law School, Public Service and the Law Conference, Feb., 2007

Panelist, "Atlanta's Response to *Brown*," American Historical Association Annual Meeting, Jan., 2007

Panelist, "AALS Workshop on Teaching Remedies," AALS Annual Meeting, Jan., 2007

Panelist, "Pragmatic Civil Rights: Black Atlantans' Struggle for Equality Inside and Outside of the Courts," American Society of Legal History Annual Meeting, Nov., 2006

Panelist, American Constitution Society, Supreme Court Press Briefing: *Parents Involved in Community Schools v. Seattle School District and Meredith v. Jefferson Country Board of Education*, Nov. 29, 2006

Keynote Address, "Doing What You Can With What You Have," University of Virginia School of Law, Public Interest Law Association Kickoff Meeting, Aug., 2006

Presenter, Black Ambivalence about Legal Liberalism, Ch. 2, Northwestern University School of Law, Legal History Colloquium, Nov., 2005

Presenter, Black Ambivalence about Legal Liberalism, Ch. 2, Duke University School of Law, Faculty Colloquium, Nov., 2005

Presenter, Black Ambivalence about Legal Liberalism, Excerpts from Ch. 1, 2, Georgetown University School of Law, Faculty Colloquium, Oct., 2005

Presenter, Black Ambivalence about Legal Liberalism, Excerpts from Ch. 2, University of North Carolina School of Law, Faculty Colloquium, Oct., 2005

Invited Speaker, "The Transformative Racial Politics of Justice Clarence Thomas: The *Grutter v. Bollinger* Opinion," Center on Race and the Law Lunch Series, University of Virginia School of Law, Mar., 2005

Presenter, "Elites, Social Movements, and the Law," University of Virginia School of Law Faculty Workshop Series, Feb., 2005

Panelist, "Coming to Terms with Conservative Truths," Fordham University School of Law, Critical Lawyering Conference, Nov., 2004

Presenter, "Black Ambivalence about *Brown v. Board of Education*; Causes and Consequences," Villanova Law School Legal History Colloquium, Nov., 2004

Moderator, "Critical Theory Conference," Washington University School of Law, Oct., 2004

Panelist, "Thurgood Marshall's Coming", The Missouri Bar Association, St. Louis, Mo., Apr., 2004

Panelist, "*Brown v. Board of Education*: A Dream in the Balance," Southern Regional Council Symposium, Georgia State University, Apr. 2004

Panelist, "Beyond *Brown*: Children, Race and Education," Center on Children and the Law and Center for the Study of Race and Race Relations, University of Florida, Mar., 2004

Panelist, "Race Jurisprudence and the Supreme Court: Where Do We Go from Here?" Symposium, University of Pennsylvania School of Law, Feb., 2004

Panelist, "Remedial Imperfection in Constitutional Law," Association of American Law Schools, Jan., 2004

Presenter, "A Class in the Middle: Origins of the Talented Tenth's Tradition of Accommodation and Protest," Legal History Colloquium, Northwestern University School of Law, Dec., 2003

Panelist, "Taking Black Ambivalence to *Brown v. Board of Education* Seriously," Childress Lecture Symposium, Saint Louis University School of Law, Oct., 2003

Invited Speaker, "Atlanta as a Paradigm of Civil Rights Activism," Modern American History Workshop, Princeton University, Apr., 2003 (with Kevin Kruse)

Panelist, "Intra-Racial Conflict and the Law of School Desegregation," Law and the Disappearance of Class Conference, University of Pennsylvania School of Law, Nov., 2002

Panelist, "Community Perspectives on the Impact of *Brown v. Board of Education*," University of South Carolina, Planning Conference on Commemoration of *Brown's* Semi-Centennial, June, 2002

Guest Lecture, "Class and Class Actions," Prof. Lani Guinier's Course on the Professional Responsibilities of Public Interest Lawyers, Harvard Law School, Apr., 2000

Presenter, "A Socio-Legal History of the NAACP's Public Law Litigation: *Calhoun v. Latimer* and *Armour v. Nix* in Context," New York University Law School, Legal History Colloquium, Mar., 2001

Panelist, "Women Educators and Social Activism," The Tenth Berkshire Conference on the History of Women, June, 1996

Moderator, *Brown v. Board of Education* Blues: Women's Experiences of Integration, University of North Carolina, Chapel Hill, Feb., 1996

## PROFESSIONAL SERVICE

CONSULTANT, THE NATIONAL CENTER FOR CIVIL AND HUMAN RIGHTS  
Review content of exhibits for historical accuracy, significance and consistency with museum's mission

BOARD OF DIRECTORS, AMERICAN SOCIETY FOR LEGAL HISTORY

PROGRAM COMMITTEE, AMERICAN SOCIETY FOR LEGAL HISTORY, 2011 ANNUAL MEETING

SELECTION COMMITTEE, NATIONAL ENDOWMENT FOR THE HUMANITIES/LIBRARY OF CONGRESS KLUGE FELLOWSHIP COMPETITION, 2011 (member of European, Asian, Middle Eastern Studies, Political Science & Law Panel)

Reviewer, *Law & History Review*

Editorial Board, *Law & Social Inquiry: Journal of the American Bar Foundation*

Contributor, Legal History Blog, Feb. 2011-present

## SELECTED MEDIA & PUBLIC COMMENTARY

On-Air Interview, WMRA/ NPR, Harrisonburg, VA, Commentary on "Class Warfare" in U.S. Politics, Sept. 30, 2011 available at <http://www.wmra.org/inchive.html>

["Remembering Movement Lawyers and Viewing Constitutional History from the Bottom Up," University of Georgia, American Constitution Society](#) (C-Span Book TV, 04/ 20/ 2011)

On-Camera Interview on *Courage to Dissent*, C-Span Book Tv, Charlottesville, Va., March 18, 2011 available at <http://www.c-spanarchives.org/program/Courageto>

On-Camera Interview, NBC 29, "Fifteenth Anniversary of First Civil Rights March at UVA," March 25, 2011 available at <http://www.nbc29.com/story/14321601/50th-anniversary-of-first-civil-rights-march-at-uva?clienttype=printable>

On-Air Interview, "[Thursday Night at TU: The Buck Colbert Franklin Memorial Civil Rights Lecture](#)" (KWGS, NPR, Tulsa Affiliate 02/15/2011)

On-Air Interview, WNYC/Public Radio International, New York, NY, "Virginia Pols Spearhead Movement for More States' Rights: The "Repeal Amendment," (H.J.R. 542), Dec. 20, 2010

Quoted in Francisco Ramos, Jr., "Facing the Threats to Diversity," [Diversity and the Bar](#), Vol. 9, No. 7 (2007), p. 30

Quoted in Brian McNeill, "Civil Rights Attorney Hill Remembered," [Daily Progress](#) (Charlottesville, Va.), Sept. 14, 2007

On-Camera Interview, CBS WCAV TV 19, Charlottesville, Va., June 29, 2007, Segment on Impact of *Parents Involved v. Seattle* on Public Schools

Quoted in David Harrison, "Divided Court Rejects Using Race to Classify Students," [Roanoke Times](#), June 29, 2007

Quoted in Cara Feinberg, "No Easy Answers: School Desegregation in Lynn, Massachusetts," [Boston Globe](#), Nov. 12, 2006

Cited in Claire Cooper, "Dean Seeks Community Connections: Pacific McGeorge Law School Leader Has Inspired a Nationwide Outreach Effort," [Sacramento Bee](#), Nov. 20, 2005

Quoted in Erica Erwin, "GECAC Charter School Faces Penalties," [Times-News](#) (Erie, Pa.), July 24, 2005

"Implementing *Brown v. Board of Education* in 1970s Atlanta," [Southern Changes: The Journal of the Southern Regional Council](#), Dec. 2004

On-Air Interview, New Black City Radio, St. Louis, Mo., Sept. 10, 2004, Segment on the Presidential Election of 2004, available at <http://NewBlackCity.com>

On-Camera Interview, KMOV TV, St. Louis, Mo., May 17, 2004, Segment Commemorating the 50<sup>th</sup> Anniversary of *Brown v. Board of Education*

Quoted in "Myths about *Brown v. Board of Education*," DiversityInc.com, May 13, 2004

## **PRIOR LEGAL EMPLOYMENT**

**Paul, Weiss, Rifkind, Wharton & Garrison, New York, NY, Associate, Litigation Department, 2001-2003.** Litigated securities and employment law

class actions. Pro Bono practice included representing homeless, HIV+ individuals in civil rights action against the City of New York

**Honorable Jane R. Roth, United States Court of Appeals, Third Circuit, Law Clerk, 1998-1999**

**Honorable Robert L. Carter, United States District Court, Southern District of New York, Law Clerk, 1997-1998**

**NAACP Legal Defense and Educational Fund, Inc., Washington, D.C., Intern, Summer 1996**

**Lawyers Committee for Civil Rights Under Law, Education Project, Washington, D.C., Intern, Summer, 1995**

**United States Department of Justice, Civil Rights Division, Washington, D.C., Intern, Summer, 1994**

## **SELECTED PRO BONO LEGAL SERVICE**

CONSULTANT, VIRGINIA ORGANIZING PROJECT, Charlottesville, Virginia.  
Collaborate on projects to implement the ADA and related federal statutes in local schools.

Co-Counsel, Brief of Historians of the Civil Rights Era as Amicus Curiae Supporting Respondents, Parents Involved v. Seattle School District No. 1 et al., 551 U.S. 701 (2007)(Nos. 05-908 and 05-915)

Co-Counsel, Harvard Black Law Students Association, Stanford Black Law Students Association and Yale Black Law Students Association as Amicus Curiae Supporting Respondents, Grutter v. Bollinger, 539 U.S. 306 (2003)(No. 02-241)

## **BAR MEMBERSHIPS**

Admitted, New York State Bar  
Admitted, United States District Court, Southern District of New York

Updated 11/11